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# Final

# Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico

## Volume 1

August 2000

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## *Mission Statement*

It is the mission of the U.S. Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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United States Department of the Interior
Bureau of Land Management

Taos Field Office

# Final

# Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico

## Volume 1

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571
www.nm.blm.gov

Dear Reader,

Enclosed for your review and comment is the Proposed Taos Riparian and Aquatic Habitat Management Plan (HMP) and the Final Environmental Impact Statement (FEIS) for riparian and aquatic habitats under the jurisdiction of the U.S. Bureau of Land Management (BLM) Taos Field Office. The proposed HMP is based on Alternative 2, Adaptive Management, which was presented and analyzed in the Draft Environmental Impact Statement (DEIS) for riparian and aquatic habitat management. The public notice of availability of the DEIS was published in the *Federal Register*, and the DEIS was made available to the public October 8, 1999, with a 90-day public comment period followed by a 30-day extension of the public comment period. The Bureau has selected Alternative 2, Adaptive Management, as the agency's preferred alternative. The DEIS is included by reference but not duplicated in this document.

Following release of the DEIS, the BLM held an informal open house followed by a formal public hearing on November 15, 1999, in Taos, New Mexico, to accept public comments and statements on the DEIS.

The BLM received comment letters and statements on the adequacy of the DEIS and the merits of the alternatives presented. The public comments resulted in modification of the FEIS.

Following the 30-day availability period for the proposed HMP and the FEIS, a Record of Decision (ROD) will be prepared for this project, and copies will be sent to those on the project mailing list. Individuals wanting to comment on the changes made in preparing the final HMP or the FEIS should send them to:

Pam Herrera
U.S. Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571
(505) 751-4705

Any comments received will be considered in preparation of the ROD for this project.

Sincerely,

Ron Huntsinger
Ron Huntsinger, Manager
Taos Field Office

# ABSTRACT

## Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office - New Mexico

Draft ( ) Final ( x )

United States Department of the Interior, Bureau of Land Management (BLM)

1. Type of Action: Administrative (x) Legislative ( )

2. Proposed Action: To restore and protect riparian habitats under BLM jurisdiction in the Taos Field Office, which includes all or parts of Colfax, Harding, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, Taos, and Union Counties. Riparian habitats in the Rio Grande and Rio Chama watersheds that are included in the Rio Grande Corridor Proposed Plan and Final Environmental Impact Statement and the Rio Chama Management Plan are outside the scope of this proposed action.

3. Abstract: This Final Environmental Impact Statement (FEIS) (Volume 1) includes a Habitat Management Plan (HMP) (Volume 2) based on Alternative 2, Adaptive Management, which was presented and analyzed in the Draft EIS that was issued October 8, 1999. The HMP, Volume 2 of this FEIS, presents an adaptive management model that is applied to each riparian area under BLM jurisdiction. The desired outcome of implementing the HMP is achievement of proper functioning condition for all riparian areas and the protection and restoration of threatened and endangered species habitat.

4. Comments on the Draft EIS from individuals, groups, and agencies, and the BLM responses to these comments are included in Volume 1.

5. For further information contact:

Pam Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571
505-751-4705

6. Date Final Filed with EPA:

7. Approved: ______________________

Ron Huntsinger
Field Manager

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# ABBREVIATIONS/ACRONYMS

| | |
|---|---|
| BE | biological evaluation |
| BLM | U.S. Bureau of Land Management |
| CWAP | Clean Water Action Plan |
| DEIS | draft environmental impact statement |
| EA | environmental assessment |
| EIS | environmental impact statement |
| ESA | Endangered Species Act |
| FEIS | final environmental impact statement |
| FLPMA | Federal Land Policy and Management Act |
| HMP | habitat management plan |
| NEPA | National Environmental Policy Act |
| NMDG&F | New Mexico Department of Game and Fish |
| OHV | off-highway vehicle |
| PFC | proper functioning condition |
| TR | technical reference |
| USFWS | U.S. Fish and Wildlife Service |

# SUMMARY

This U.S. Bureau of Land Management (BLM) *Final Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico* (FEIS) (Volume 1) includes the Taos Riparian and Aquatic Habitat Management Plan (HMP) (Volume 2) for restoring and protecting riparian and associated habitats under the Taos Field Office jurisdiction. Following public review and comment on the three alternatives presented in the *Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico* (DEIS), the BLM selected Alternative 2, Adaptive Management, as the preferred alternative. Implementation of the preferred alternative is discussed in the HMP. The FEIS contains the public comments received on the DEIS and the associated BLM responses to those comments. In addition, the FEIS contains the Biological Evaluation required under Section 7 of the Threatened and Endangered Species Act.

The publication of this FEIS and HMP continues a process started by the Taos Field Office when the public was notified of an opportunity to provide issues and comments on riparian habitat management. During public scoping, individuals presented a number of useful comments that resulted in the presentation and analysis of three alternatives in the DEIS: (1) Current Management, (2) Adaptive Management (Preferred Alternative), and (3) Grazing Management. By selecting the Adaptive Management Alternative, the BLM recognizes the need to incorporate the modern business practices of goal setting and feedback mechanisms into decision making to facilitate changing direction when new information becomes available. The development of a HMP based on adaptive management allows the Taos Field Office to implement a set of management actions specific to each riparian area following a common management strategy, which has as its primary goals the restoration and protection of riparian areas.

For over a decade, the BLM has emphasized the restoration and protection of streamside riparian areas for the benefit of watercourse and watershed integrity, unique plant association protection, and threatened and endangered species, as well as for other riparian-dependent species in New Mexico. Although much has been accomplished to meet agency goals for riparian area improvement, much more remains to be done. For example, new data on the current condition of riparian habitats need to be obtained and utilized. In addition, the Taos Field Office needed to develop and make readily available to the public a set of published goals and objectives representing a desired future condition for riparian areas. By completing the HMP for riparian areas, the Taos Field Office has demonstrated that riparian habitat management is a priority field office activity.

The HMP provides a framework for meeting two primary goals: (1) the attainment of proper functioning condition for all riparian areas and (2) the protection and enhancement of threatened and endangered species habitat. Achievement of these goals entails implementation of the following five steps:

- Survey and analyze riparian conditions;
- Use survey results to describe a desired future condition and to identify appropriate management actions;
- Implement management actions;
- Monitor the success of the management actions; and

- Modify the management actions, if necessary, on the basis of the monitoring results.

These five steps will be implemented for each of the BLM-administered riparian areas located within the jurisdiction of the Taos Field Office. Thus, site-specific application of the HMP allows field office staff to account for the individual ecological conditions and dynamics that control the recovery and maintenance of riparian systems. For example, grazing management to protect riparian habitat includes both exclusion of domestic livestock by fencing and the selective application of dormant grazing, depending on the condition and structure of the vegetation in the riparian area.

Graphic materials included in the HMP (Volume 2) show individual riparian areas under BLM jurisdiction in the context of other features, activities, and land jurisdictions. For example, some figures show the relationship between the riparian areas and livestock grazing allotments. Others show the distribution of riparian areas under BLM jurisdiction relative to the surface hydrology network within the entire Taos Field Office area. The figures underscore the fact that riparian habitats are critical, but very small, areas in relation to the large amount of land administered by the BLM. In addition, segments of riparian areas under BLM jurisdiction are often only a small part of a larger area under other jurisdictions over which the BLM has no management responsibility or authority. This observation is central to gaining an appreciation for the important, but limited, role the BLM can exercise in improving and protecting riparian habitats in New Mexico.

# 1 COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND RESPONSES

## 1.1 INTRODUCTION

The *Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico* (DEIS) was issued October 8, 1999, at which time the public and interested agencies were provided 90 days to comment on its content. Thus, the comment period was scheduled to close on January 12, 2000. The comment period was extended, however, to February 12, 2000, in response to several requests. During the comment period, the U.S. Bureau of Land Management (BLM) received oral comments at one public hearing and written comments in the form of letters, post cards, and e-mails. Section 1.2 of this chapter presents a summary of the comments received during the hearing and associated responses. Section 1.3 contains copies of the comment letters received and presents the associated BLM responses.

## 1.2 PUBLIC HEARING COMMENTS AND RESPONSES

This section presents the comments that were received at the public hearing held on the *DEIS for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico.* The hearing was held November 15, 1999, at the BLM in Taos. Table 1.1 summarizes the only oral comment received at the hearing and presents the associated response. A complete copy of the hearing transcript is available for review at the BLM Taos Field Office. The field office can also provide information on obtaining a personal copy of the transcript.

## 1.3 WRITTEN COMMENTS AND RESPONSES

This section reproduces (from the best available copies) the comment letters received during the review period for the *DEIS for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico*, and presents corresponding BLM response. In general, the letters have been arranged according to their dates. Miscellaneous form letters and undated letters are presented prior to dated ones. Each letter to which the BLM responded has been assigned a letter code, and for each letter, consecutive numbers have been used to designate individual comments and the corresponding BLM responses. The letters and responses are placed side by side on facing pages to the extent possible, so that the specific response to a given comment can be easily located. Multiple copies of a form postcard or e-mail are presented and responded to only once, although recognition is provided as to how many copies of the correspondence were received. Table 1.2 is an index of the letters and the corresponding codes in the order that they appear in this section.

## TABLE 1.1 Public Hearing Comment Summary and Response for the DEIS for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico

| Speaker and Comment Summary | BLM Response |
|---|---|
| **Public Hearing Held at Bureau of Land Management, Taos Field Office, Taos, New Mexico, November 15, 1999** | |
| K. Weiner No. 1: Although the riparian areas along the Rio Grande are addressed in the Rio Grande Management Plan, they also should have been addressed in the DEIS. | The *Rio Grande Corridor Proposed Plan and Final EIS* (BLM 1998b) presented a 15-year strategy for managing public lands and allocating resources along 94 miles of the Rio Grande (including the riparian areas along the portion of the river within the Taos Field Office). Thus, it was not deemed necessary to include the Rio Grande riparian areas within the riparian and aquatic habitat DEIS. Therefore, the DEIS addressed the remainder of the riparian and aquatic habitats under the jurisdiction of the Taos Field Office. |

## TABLE 1.2 Index of Letters Received during the Public Comment Period

| Letter Code (Date) | Source (Affiliation) | Page |
|---|---|---|
| Misc.1 (various) | Form postcard and e-mail received from 1,385 private citizens. | 1-8 |
| MC (undated) | Marilyn Colyer (citizen). | 1-10 |
| CKL (undated) | Clifford K. Larsen, Conservation Chair, Sierra Club, Santa Fe Group – Rio Grande Chapter (environmental organization). | 1-12 |
| TM (undated) | Timothy McKenna (citizen). | 1-14 |
| JWM (undated) | Joan W. Montagne (citizen). | 1-16 |
| LJP (undated) | Lloyd J. Perper (citizen). | 1-18 |
| RAW (undated) | Robert A. Witzeman, M.D. (citizen). | 1-20 |
| TRa (Dec. 7, 1999) | Terry Rust, Director of Environmental Affairs, South West Four Wheel Drive Association (recreational organization). | 1-22 |
| TCD (Dec. 11, 1999) | Teresa C. de Baca (citizen). | 1-28 |
| SH (Dec. 11, 1999) | Steve Hunt (citizen). | 1-30 |
| SRL (Dec. 11, 1999) | Susan and Ron Low (citizens). | 1-32 |
| TRb (Dec. 11, 1999) | Terry Rust (citizen). | 1-34 |
| CRW (Dec. 17, 1999) | Charles R. Wilson, Environmental Chairman, New Mexico 4-Wheelers (recreational organization). | 1-36 |
| JS (Jan. 2000) | Jean Schwennesen (citizen). | 1-42 |
| JR (Jan. 4, 2000) | Jon Rhodes (citizen). | 1-44 |
| TWS (Jan. 6, 2000) | Tod W. Stevenson, Chief, Conservation Services Division, State of New Mexico Department of Game & Fish (state agency). | 1-46 |

**TABLE 1.2 (Cont.)**

| Letter Code (Date) | Source (Affiliation) | Page |
|---|---|---|
| TTB<br>(Jan. 7, 2000) | Terrell T. "Red" Baker, Ph.D., Extension Riparian Management Specialist, Cooperative Extension Service, New Mexico State University (state institution) | 1-48 |
| LD<br>(Jan. 7, 2000) | Linda DeStefano (citizen). | 1-54 |
| RSP<br>(Jan. 7, 2000) | Roger S. Peterson, Secretary, New Mexico Natural History Institute (nonprofit corporation). | 1-56 |
| RWW<br>(Jan. 7, 2000) | Richard W. Weiskopf, M.D. (citizen). | 1-58 |
| JGP<br>(Jan. 8, 2000) | J.G. Petrofsky (citizen). | 1-60 |
| JB<br>(Jan. 9, 2000) | Jeff Burgess (citizen). | 1-62 |
| NTJ<br>(Jan. 9, 2000) | Nolan Thomas Jones, Jr. (citizen). | 1-66 |
| JAA<br>(Jan. 10, 2000) | Joel A. Alderete, Regional Director, New Mexico Farm and Livestock Bureau (livestock organization). | 1-68 |
| SCDa<br>(Jan. 10, 2000) | Sam C. de Baca, President, Sandia Jeep Club (recreational organization). | 1-76 |
| SCDb<br>(Jan. 10, 2000) | Sam F. C. de Baca (citizen). | 1-82 |
| CCa<br>(Jan. 10, 2000) | Caren Cowan, Executive Secretary, New Mexico Cattle Growers' Association (livestock organization). | 1-84 |
| JD<br>(Jan. 10, 2000) | Jim Dawson (citizen). | 1-92 |
| TH<br>(Jan. 10, 2000) | Tim Hodgkins (citizen). | 1-94 |
| RLM<br>(Jan. 10, 2000) | Ron L. Merritt, Jr., President, New Mexico Wool Growers, Inc. (livestock organization). | 1-96 |
| DP<br>(Jan. 10, 2000) | Debra Patla (citizen). | 1-104 |
| ER<br>(Jan. 10, 2000) | Eric Rechel (citizen). | 1-106 |
| CW<br>(Jan. 10, 2000) | Christina Wulf (citizen). | 1-108 |

TABLE 1.2 (Cont.)

| Letter Code (Date) | Source (Affiliation) | Page |
|---|---|---|
| TD<br>(Jan. 11, 2000) | Tom Diamond, Attorney, Diamond Rash Gordon & Jackson, P.C. (attorneys at law). | 1-110 |
| TF<br>(Jan. 11, 2000) | Tammy Ferguson (citizen). | 1-112 |
| FEV<br>(Jan. 11, 2000) | Francisco E. Vigil, President, Northern New Mexico Stockman's Association (livestock organization). | 1-114 |
| DY<br>(Jan. 11, 2000) | Dick Young (citizen). | 1-118 |
| JRB<br>(Jan. 12, 2000) | Jimmy R. Bason (citizen). | 1-120 |
| TB<br>(Jan. 12, 2000) | Ty Bays (citizen). | 1-128 |
| RB<br>(Jan. 12, 2000) | Robert Benne (citizen). | 1-130 |
| GLC<br>(Jan. 12, 2000) | Gerald L. Chacon, Representative, Esperanza Grazing Company (livestock producers). | 1-132 |
| CCb<br>(Jan. 12, 2000) | Caren Cowan (citizen). | 1-136 |
| MEC<br>(Jan. 12, 2000) | Mary Ella Cowan (signed Mary Ella Christian) (citizen). | 1-144 |
| REC<br>(Jan. 12, 2000) | Robert E. Cowan (citizen). | 1-152 |
| FAD<br>(Jan. 12, 2000) | Frank A. DuBois, Secretary, Department of Agriculture, State of New Mexico (state agency). | 1-158 |
| BE<br>(Jan. 12, 2000) | Bud Eppers, President, New Mexico Public Lands Council (livestock organization). | 1-170 |
| CG<br>(Jan. 12, 2000) | Callie Gnatkowski (citizen). | 1-178 |
| MPJ<br>(Jan. 12, 2000) | Michael P. Jansky, P.E., Environmental Review Coordinator, U.S. Environmental Protection Agency, Region 6 (federal agency). | 1-186 |
| SJ<br>(Jan. 12, 2000) | Shane Jimerfield, Assistant Director, Center for Biological Diversity (environmental organization). | 1-188 |
| DL<br>(Jan. 12, 2000) | Diann Lee (citizen). | 1-198 |

**TABLE 1.2 (Cont.)**

| Letter Code (Date) | Source (Affiliation) | Page |
|---|---|---|
| ML<br>(Jan. 12, 2000) | Mike Lee (citizen). | 1-206 |
| MLM<br>(Jan. 12, 2000) | Mrs. Lou McDonald (citizen). | 1-214 |
| JDM<br>(Jan. 12, 2000) | Jeffrey D. Myers, Conservation Chair, Central New Mexico Audubon Society (environmental organization). | 1-222 |
| TS<br>(Jan. 12, 2000) | Troy Sauble (citizen). | 1-224 |
| RS<br>(Jan. 12, 2000) | Randy Summers (citizen). | 1-226 |
| RT<br>(Jan. 12, 2000) | Rachel Thomas (citizen). | 1-234 |
| GC<br>(Jan. 20, 2000) | Gedi Cibas, Ph.D., Environmental Impact Review Coordinator, State of New Mexico Environment Department (state agency). | 1-242 |
| EMS<br>(Feb. 2, 2000) | Edward M. Smith (citizen). | 1-252 |
| CRS<br>(Feb. 6, 2000) | Charles R. Sands (citizen). | 1-254 |
| JCH<br>(Feb. 11, 2000) | John C. Horning, Watershed Protection Program, Forest Guardians (citizens' organization). | 1-258 |

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## Misc.1[1]

Please accept my comments regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement (DEIS).

The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of BLM. This needs to stop.

**Select alternative three,** which will result in the removal of livestock from all these areas and provide the quickest and most beneficial recovery.

---

[1] This comment was directed to Pam Herrera, BLM Project leader, and received at the BLM Taos Field Office. It was received as a form postcard or e-mail from 1,385 private citizens. Therefore, it is being responded to only once. Nevertheless, the BLM appreciates the concerns of all individuals who took the time and effort to comment on the *DEIS for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico.*

**Response to Misc.1:**

It is arguable that the elimination of livestock grazing would be a viable alternative if the U.S. Bureau of Land Management's (BLM's) sole management responsibilities were to maintain, enhance, or restore riparian and aquatic habitats for their ecological value. However, it is the BLM's mandate to manage public land for multiple use. The settlement agreement that necessitated the preparation of an environmental impact statement (EIS) required the inclusion of one alternative that may not conform to current resource management plans. The alternative selected to meet this condition was the grazing alternative. Complete discontinuation of grazing would not conform to the principles of multiple use management under the Federal Land Policy and Management Act (FLPMA) of 1976. (Under certain conditions, grazing could be permanently excluded due to laws such as the Endangered Species Act [ESA], or the Clean Water Act, which require the BLM to take certain actions to protect the environment. These laws are not overridden by the FLPMA.)

Fencing and complete exclusion of grazing from riparian areas are often identified as the only strategies capable of rehabilitating damaged streamside areas. Alternative livestock management systems can be used to improve many riparian areas so that permanent exclusion of grazing may not be necessary. The BLM acknowledges that any grazing practice requires close monitoring of riparian woody species use and bank conditions so that livestock can be promptly removed before any significant damage can occur.

FROM:

REC'D JAN 2 4 2008

TO: BLM Project Leader
RE: DEIS for Riparian and Aquatic Habitat Management

Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

MC-1 The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of the BLM. This needs to stop.

**Select alternative three** which will result in the removal of livestock from all these areas and provide the quickest and most beneficial recovery.

MC-2 And pesticides have eliminated amphibians in many places.

Sincerely,

Marilyn Colyer / Sylvia Colyer
43393 C Rd M, Mancos Co.

**Response to MC-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

**Response to MC-2:**

The comment reflects an opinion; thank you for the comment.

REC'D JAN 1 2 2000

**Sierra Club**

Santa Fe Group - Rio Grande Chapter

621 Old Santa Fe Trail, Suite 10, Santa Fe, NM 87501 (505) 983-2703

Pam Herrera, Project Leader
Taos Field Office, Bureau of Land Management
226 Cruz Alta Road
Taos, NM 87571

Dear Ms. Herrera:

CKL-1 Pages 4.3-8 of the Draft EIS present a fine summary of livestock effects on riparian zones. Congratulations on that statement and, more generally, on the EIS. It provides a good summary of your accomplishments in riparian improvement.

CKL-2 But we are concerned that not all of your riparian areas are included. In Mora County you omit Cañon Hondo and Cañon las Cuevitas, both in T20N R24E, where riparian vegetation is in relatively good condition. In San Miguel County you omit the long reach of Cañon Largo in T16-17N R22-24E, where, though the remaining cottonwoods are only in scattered groups, there is opportunity for restoration of riparian vegetation. These omissions lead to the questions, What are your criteria for designating riparian areas? What other riparian areas have you omitted? It is hard to find some of your riparian areas on good maps because you do not give legal descriptions and your maps lack landmarks.

We appreciate why you would prefer the flexible, cheap Adaptive Management Alternative. It proposes giving high priority to good actions but with no blanket requirements. However, review of all of your riparian areas shows that the ones doing well are the ones from which you have excluded livestock. You say it well (p. 4.7): "Fencing of riparian areas to exclude livestock and establish riparian pastures has been very effective." For reasons made clear on pp. 4.4-7, livestock can be compatible with riparian vegetation only under narrow limits of light, dormant-season grazing. But even under those limits, cattle are not compatible with clean water and untrampled banks.

CKL-3 We think that the Adaptive Management Alternative is a slightly dressed-up version of Present Management; after all, you have been focusing on riparian repair for at least ten years. We do not argue that present management is bad, but that it could be better. And the way to make it better is to rid the riparian zones of livestock, that is, to select Alternative 3. You don't have that many acres left to fence! Alternative 3 should be modified so that its statement on land exchanges is the same as that of Alternative 2.

Scientists and now even some ranchers agree that not every acre of the public lands should be grazed. Surely the tiny percentage of those lands in riparian zones and wetlands, so vital to wildlife and clean water, are among the acres that should not be grazed by livestock.

Sincerely,

Clifford K. Larsen, Conservation Chair

**Response to CKL-1:**

The comment reflects an opinion; thank you for your comment.

**Response to CKL-2:**

All riparian areas (except the Rio Grande and Rio Chama) were intended to be included within the Draft EIS (DEIS) (BLM 1999). However, because of the scattered land patterns, some small riparian areas may have been omitted. If new areas are located in the future, they will be incorporated into the protection strategies identified within this document.

**Response to CKL-3:**

Thank you for your comment. The BLM is continually addressing issues related to land exchanges. All alternatives presented in the DEIS provide for the analysis and possible implementation of land exchanges that will benefit the long-term stewardship of riparian habitats. Your support for Alternative 3 is noted.

FROM:

TO: BLM Project Leader
RE: DEIS for Riparian and Aquatic Habitat Management

Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

TM-1 The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of the BLM. This needs to stop.

**Select alternative three** which will result in the removal of livestock from all these areas and provide the quickest and most beneficial recovery.

Sincerely, Timothy Mc[illegible]

TM-2 P.S. Please compare profitable alternatives trail hiking permit, fish stocking / licensing, bike / horse trails. Compared to subsidized ranch at tax payer expense

**Response to TM-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

**Response to TM-2:**

All alternatives presented in the DEIS recognize that other activities, including recreational activities, will take place in riparian areas if the resource condition allows those activities to occur without damaging riparian habitat.

FROM: JOAN W. MONTAGNE
17 HODGMAN CANYON
BOZEMAN, MT 59718

TO: BLM Project Leader
RE: DEIS for Riparian and Aquatic Habitat Management

the way cattle are grazed with no method being used of rest/rotational grazing in managment plan

Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

JWM-1 The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of the BLM. This needs to stop. BLM + the ranchers need to manage the land.

~~Select alternative three which will result in the removal of livestock from~~ all ~~these areas and provide the quickest and most beneficial recovery~~. I subscribe to Allen Savory's proven holistic grazing methods.

Sincerely,
Joan W. Montagne

**Response to JWM-1:**

The Habitat Management Plan (HMP) included in the Final EIS (FEIS) (Volume 2) is based on improving and protecting riparian habitats. The plan involves specific management actions for grazing by domestic livestock to ensure the recovery of the physical and vegetative aspects of riparian areas and regular monitoring to assess riparian area recovery and function. Holistic grazing is one of the potential grazing management practices that could be utilized, as noted in BLM Riparian Area Management Technical Reference (TR) 1737-14, *Grazing Management for Riparian-Wetland Areas* (BLM 1997).

FROM: Lloyd J Pepper
6700 W. EL CAMINO DEL CERRO
TUCSON, AZ. 85745

TO: BLM Project Leader
RE: DEIS for Riparian and Aquatic Habitat Management

Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

LJP-1

The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of the BLM. This needs to stop.

**Select alternative three** which will result in the removal of livestock from all these areas and provide the quickest and most beneficial recovery.
exception: allow 10% of 1999 grazing levels.

Sincerely,
L. J Pepper

**Response to LJP-1:**

The HMP included in Volume 2 of the FEIS is based on improving and protecting riparian habitats. The plan includes specific management actions for grazing by domestic livestock to ensure the recovery of the physical and vegetative aspects of riparian areas and regular monitoring to assess riparian area recovery and function. Adjusting grazing levels is one of the potential grazing management practices that could be utilized, as noted in BLM Riparian Area Management TR 1737-14 (BLM 1997)

FROM:

ROBERT A. WITZEMAN, M.D.
4619 E. Arcadia Ln.
Phoenix, AZ 85018

TO: BLM Project Leader
RE: DEIS for Riparian and Aquatic Habitat Management

Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

RW-1 The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of the BLM. This needs to stop.

**Select alternative three** which will result in the removal of livestock from all these areas and provide the quickest and most beneficial recovery.

RW-2 Please extend the time period for comments

Sincerely, Robert Witzeman

**Response to RW-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

**Response to RW-2:**

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

REC'D DEC - 8 1999

December 7, 1999

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DEIS FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

Dear Ms. Herrera,

Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As the Director of Environmental Affairs, I have prepared these comments on behalf of the 35 member clubs and over 1500 member families of the SouthWest Four Wheel Drive Association (SWFWDA), a regional organization promoting the responsible recreational use of four-wheel drive vehicles.

TRa-1 In reviewing the DEIS, I have found your proposal to manage riparian and aquatic habitats as your preeminent duty to be shortsighted, irresponsible, and generally unacceptable. I am especially disappointed at having come to this conclusion because I have met and worked with several members of the Taos Field Office staff to promote balanced, multiple use of BLM-administered public lands and have found those staff members to be both knowledgeable and responsible people. My conclusions stem not only from my concern for preserving primitive roaded recreational opportunities on our public lands but also from my belief that our public lands should continue to be managed in a manner that considers the needs of all the users. For these reasons, the SWFWDA supports the balanced approach to riparian and aquatic habitat management provided by your current program, which has been identified, inappropriately in my opinion, as the "no-action alternative."

Specific concerns are as follows:

TRa-2 **Preferred Alternative 2 Ignores Common Sense and Unduly Restricts Good Management Practice.** As stated on p. 2-4 of the DEIS, "... the Adaptive Management Alternative seeks first to do what is necessary to ensure the restoration and protection of riparian areas and then to permit those other uses to the extent that they are compatible with the preservation of riparian resources." The preferred alternative subrogates *all* other uses to the preservation of riparian resources. This approach precludes the active management that your agency and this office has been successful with in the past. Although riparian habitat is certainly important, circumstances will arise where the need to preserve riparian resources must be weighed against other important and legitimate needs such as prehistoric and historic resource preservation, recreation and facility development, and public access. It is not good management practice to severely limit

**Response to TRa-1:**

Thank you for your comment. Your support for Alternative 1 is noted. The No Action Alternative is presented as Alternative 1, Current Management, in the DEIS and represents continuation of current management programs. The continuation of current programs satisfies the National Environmental Policy Act's (NEPA's) definition of No Action.

**Response to TRa-2:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

TRa-2 (cont.) your options with a policy that keeps you from weighing the multitude of needs and demands on their own, individual, merits and coming to management decisions that make sense. Riparian resource preservation, to the exclusion of all other considerations, will not always be the best and highest management objective at all riparian locations. Alternative 2 severely limits your options and, therefore, does not make good management sense and should be rejected.

TRa-3 **Alternative 3, Grazing Management, Ignores Good Management Practice and Common Sense.** As stated on p. 2-7 of the DEIS, "Under the Grazing Management Alternative, the Taos Field Office would eliminate grazing by domestic livestock in riparian areas..." The universal elimination of grazing, or any other legitimate use of public lands, without due consideration of site-specific conditions and potential mitigation measures is also short-sighted and unbalanced management. Again, it is not good management practice nor necessarily the best and highest use of public lands to adopt a policy that prevents the BLM from making good, defensible decisions based on the merits of each situation. It is entirely possible that grazing would be compatible with riparian protection in many areas, as illustrated in our next comment. Alternative 3 does not make good management sense and should also be rejected.

TRa-4 **Other Uses are Compatible with Good Riparian Management.** Table 1.1 of the DEIS provides a summary of Taos Field Office riparian areas, their current use, and their known condition. Returning riparian areas to their Proper Functioning Condition (PFC) is indicated in the DEIS as the ultimate objective of the BLM's management plan. Four of the riparian areas listed in the table are stated to currently be in the desired proper functioning condition. Of these, one (Manueles Creek) is listed as having no evidence of use; two (Rio Cebolla and Rio Quemado) are listed as having Off highway Vehicle (OHV) and grazing use; and one (Santa Cruz River above the lake) is listed as having grazing, hiking, and fishing use. Grazing is currently occurring at three of the four PFC areas and OHV use is currently occurring at two of the four areas. It is clear, therefore, that other uses such as grazing, OHV, hiking, and fishing can be compatible with a properly functioning riparian area and should not be automatically excluded from those areas. Options such as Alternative 3 that automatically brand certain uses as incompatible should not even be considered. In fact, Table 1.1 provides good evidence that Alternative 3, or any other alternative that promotes a universal ban on any particular activity, is completely inappropriate. The BLM is self-identified as a *management* agency. There are many legitimate uses of public lands and the first *management* reaction to an identified problem should be to seek mitigation, not closure.

TRa-5 **Allocation of Funding.** By assigning the Taos Field Office's highest priority as protecting and restoring riparian areas as indicated on p. 2-4 under the preferred alternative, it follows that other legitimate needs and uses of public lands managed by your office would suffer from a significant lack of funding while riparian management was vigorously pursued. This is not a good management policy because many of your other important programs, such as biodiversity enhancement and T&E species protection in non-riparian areas, would unduly suffer. As you know, there are many important issues that need attention on BLM administered public lands, not just riparian habitat protection.

**Response to TRa-3:**

Thank you for your comment. Alternative 3, Grazing Management, addresses public input and issue identification received by the BLM during the scoping process.

**Response to TRa-4:**

Except for Alternative 3, Grazing Management, activities or actions allowed within a riparian area (e.g., recreation or grazing) will be based on the site-specific requirements or management needs of individual riparian areas.

**Response to TRa-5:**

Developing budget priorities has and will continue to be a challenge for public and private organizations. The BLM does not view the funding for riparian management as a “zero sum game” that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

TRa-5 (cont.) It is suggested on p. S-1, in your summary statements, that part of the legal objection to your current riparian management approach was that you have been proceeding too slowly due to a lack of funding. I submit that if riparian protection on public lands was the overriding priority, compared to all other uses, for a majority of the American people, the funding needed to provide that protection would have been there for you. The fact that it was not indicates that the criticality you attribute (under duress) to riparian protection in preferred Alternative 2 does not reflect the opinion of the majority of Americans but only the opinion of the relatively small, albeit well funded, special interest that filed the lawsuit. The best use of your limited funds is to continue with what you have been doing: provide balanced support for all legitimate uses of the lands you manage.

TRa-6 **This is Not a Good Precedent to Set.** It is clear that riparian area protection is receiving the current high level of attention in response to special interest litigation. Your reaction has been to satisfy that challenge by making riparian area protection superior to all other needs for management of public lands. What happens when litigation is filed that contradicts this response? Suppose the Eight Northern Indian Pueblos Council, Inc. filed a lawsuit contending that your protection of their ancestral sites was not being pursued with sufficient vigor. Would you then turn around and make protection of prehistoric and historic resources your number one priority? Do you have the extra resources to draft yet another EIS? You are setting a bad precedent, and encouraging additional litigation, by addressing the riparian habitat lawsuit in the manner proposed in the DEIS, even if it has merit. I believe that adopting Alternative 2 under these conditions would be a serious overreaction to the riparian protection lawsuit and a terrible precedent to set in responding to future lawsuits.

In summary, I urge you to reconsider your preference and maintain the balanced management posture that has been so successful for so many years by adopting Alternative 1.

Sincerely,

Terry Rust

Terry Rust
Director of Environmental Affairs – SWFWDA
118 Beryl
Los Alamos, NM 87544

**Response to TRa-6:**

This comment reflects an opinion. Thank you for your comment; again, your support for Alternative 1 is noted.

December 11, 1999

REC'D FEB 4 2000

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

TCD-1 Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As a member of the Sandia Jeep Club, an Santa Fe-based organization with members ranging from Pecos, to Los Alamos to Rio Rancho to Espanola and that promotes the responsible recreational use of four-wheel drive vehicles, I am deeply concerned about the management direction this document promotes. I do not believe that the BLM should place riparian habitat protection above all other needs when managing our public lands. The BLM should instead manage the land to best meet the needs of all users, emphasizing balanced, multiple use objectives as it has in the past. Where uses conflict, an effort should first be made to seek effective mitigating measures rather than to summarily exclude any one use in favor of another or identify one use as universally more important than another.

TCD-2 I support your current program, expressed as Alternative 1, because it provides a more reasonable, balanced approach to resolving management issues. Alternative 2 places riparian habitat protection above all other uses, which is wrong. Alternative 3 would summarily exclude all cattle grazing in riparian areas, which is also wrong because it provides no allowance for mitigating measures and site-specific conditions.

I strongly urge you to abandon Alternative 2 and adopt Alternative 1 as your preferred approach to protecting riparian areas.

Sincerely,

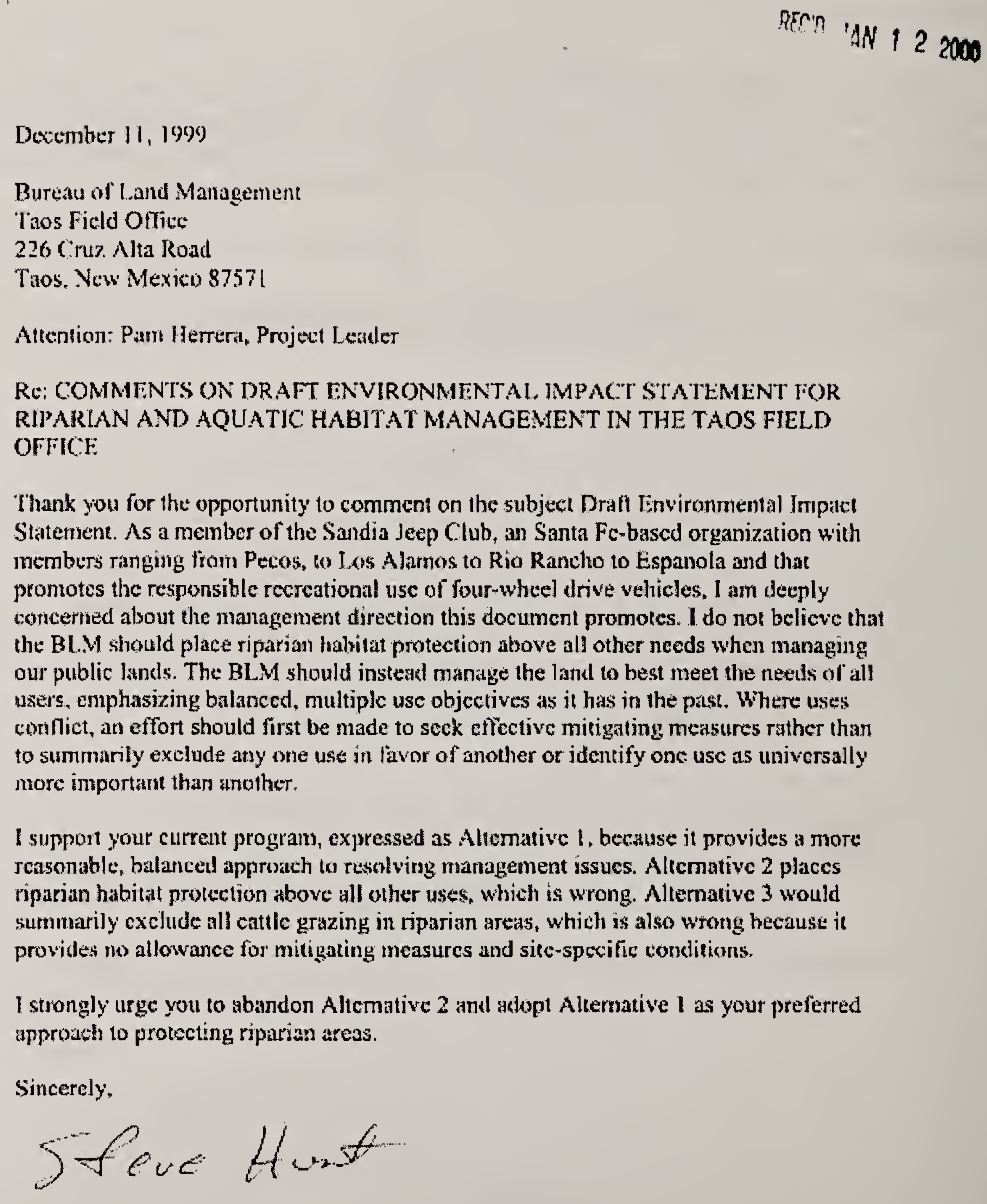
Teresa CdeBaca
13 Ya Callete Ln-
La Cienega, NM 87505

**Response to TCD-1:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to TCD-2:**

Thank you for your comment. Your support for Alternative 1 is noted.



REC'D JAN 12 2000

December 11, 1999

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As a member of the Sandia Jeep Club, an Santa Fe-based organization with members ranging from Pecos, to Los Alamos to Rio Rancho to Espanola and that promotes the responsible recreational use of four-wheel drive vehicles, I am deeply concerned about the management direction this document promotes. I do not believe that the BLM should place riparian habitat protection above all other needs when managing our public lands. The BLM should instead manage the land to best meet the needs of all users, emphasizing balanced, multiple use objectives as it has in the past. Where uses conflict, an effort should first be made to seek effective mitigating measures rather than to summarily exclude any one use in favor of another or identify one use as universally more important than another. SH-1

SH-2 I support your current program, expressed as Alternative 1, because it provides a more reasonable, balanced approach to resolving management issues. Alternative 2 places riparian habitat protection above all other uses, which is wrong. Alternative 3 would summarily exclude all cattle grazing in riparian areas, which is also wrong because it provides no allowance for mitigating measures and site-specific conditions.

I strongly urge you to abandon Alternative 2 and adopt Alternative 1 as your preferred approach to protecting riparian areas.

Sincerely,

Steve Hunt

**Response to SH-1:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to SH-2:**

Thank you for your comment. Your support for Alternative 1 is noted.

December 11, 1999

[illegible] JAN 1 3 [illegible]

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

SRL-1 Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As a member of the Sandia Jeep Club, an Santa Fe-based organization with members ranging from Pecos, to Los Alamos to Rio Rancho to Espanola and that promotes the responsible recreational use of four-wheel drive vehicles, I am deeply concerned about the management direction this document promotes. I do not believe that the BLM should place riparian habitat protection above all other needs when managing our public lands. The BLM should instead manage the land to best meet the needs of all users, emphasizing balanced, multiple use objectives as it has in the past. Where uses conflict, an effort should first be made to seek effective mitigating measures rather than to summarily exclude any one use in favor of another or identify one use as universally more important than another.

SRL-2 I support your current program, expressed as Alternative 1, because it provides a more reasonable, balanced approach to resolving management issues. Alternative 2 places riparian habitat protection above all other uses, which is wrong. Alternative 3 would summarily exclude all cattle grazing in riparian areas, which is also wrong because it provides no allowance for mitigating measures and site-specific conditions.

I strongly urge you to abandon Alternative 2 and adopt Alternative 1 as your preferred approach to protecting riparian areas.

Sincerely,

[illegible] & Ron Law.
23 - 2035 Calle Lorca
Santa Fe, N.M. 87505

**Response to SRL-1:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to SRL-2:**

Thank you for your comment. Your support for Alternative 1 is noted.

December 11, 1999

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

TRb-1 Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As a member of the Sandia Jeep Club, an Santa Fe-based organization with members ranging from Pecos, to Los Alamos to Rio Rancho to Espanola and that promotes the responsible recreational use of four-wheel drive vehicles, I am deeply concerned about the management direction this document promotes. I do not believe that the BLM should place riparian habitat protection above all other needs when managing our public lands. The BLM should instead manage the land to best meet the needs of all users, emphasizing balanced, multiple use objectives as it has in the past. Where uses conflict, an effort should first be made to seek effective mitigating measures rather than to summarily exclude any one use in favor of another or identify one use as universally more important than another.

TRb-2 I support your current program, expressed as Alternative 1, because it provides a more reasonable, balanced approach to resolving management issues. Alternative 2 places riparian habitat protection above all other uses, which is wrong. Alternative 3 would summarily exclude all cattle grazing in riparian areas, which is also wrong because it provides no allowance for mitigating measures and site-specific conditions.

I strongly urge you to abandon Alternative 2 and adopt Alternative 1 as your preferred approach to protecting riparian areas.

Sincerely,

Terry Rust

REC'D DEC 1 4 1999

TERRY RUST
118 Beryl
Los Alamos NM 87544

**Response to TRb-1:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to TRb-2:**

Thank you for your comment. Your support for Alternative 1 is noted.

17 December 1999

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DEIS FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As Environmental Chairman, I have prepared these comments on behalf of the New Mexico 4-Wheelers, an Albuquerque-based organization promoting the responsible use of four-wheel drive vehicles.

In reviewing your DEIS, I have found your proposed approach to managing riparian and aquatic habitats to be unacceptable and irresponsible. I regret having come to this conclusion because I have personally worked with several members of the Taos Field Office staff to promote balanced, multi-purpose use of BLM-administered public lands and have found those staff members to be both knowledgeable and responsible people. My conclusions stem not only from my concern for preserving primitive roaded recreational opportunities on public lands but also from my concern that public lands should continue to be managed in a manner that considers all needs. For these reasons, the New Mexico 4-Wheelers support the balanced approach to riparian and aquatic habitat management provided by your current program, which has been identified, inappropriately, as the "no-action alternative." CRW-1

The specific reasons for my conclusions are summarized as follows.

CRW-2 **Single-Minded Purpose of Preferred Alternative 2 Ignores Common Sense and Good Management Practice.** As stated on p. 2-4 of the DEIS, "… the Adaptive Management Alternative seeks first to do what is necessary to ensure the restoration and protection of riparian areas and then to permit those other uses to the extent that they are compatible with the preservation of riparian resources." The preferred alternative subrogates *all* other uses to the preservation of riparian resources. This is blind, unbalanced management. Although riparian habitat is important, circumstances will arise where the need to preserve riparian resources must be weighed against other important and legitimate needs such as prehistoric and historic resource preservation, recreation and facility development, and public access. It is not good management practice to bind your hands with a policy that keeps you from weighing the multitude of needs on their own merits and coming to management decisions that make sense. Riparian resource preservation will not always be the best and highest management objective at all riparian locations. Alternative 2 does not make good management sense and should be rejected.

**Response to CRW-1:**

Thank you for your comment. Your support for Alternative 1 is noted. The No Action Alternative is presented as Alternative 1, Current Management, in the DEIS and represents continuation of current management programs. The continuation of current programs satisfies NEPA's definition of No Action.

**Response to CRW-2:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

CRW-3 **Alternative 3 Grazing Management also Ignores Good Management Practice and Common Sense.** As stated on p. 2-7 of the DEIS, "Under the Grazing Management Alternative, the Taos Field Office would eliminate grazing by domestic livestock in riparian areas ..." The blanket elimination of grazing, or any other legitimate use of public lands, without consideration of site-specific conditions and mitigation measures is also blind, unbalanced management. Again, it is not good management practice nor the best and highest use of public lands to adopt a policy that constrains the BLM from making decisions based on the merits of each situation. It is entirely possible that grazing would be compatible with riparian protection in many areas, as illustrated in my next comment. Alternative 3 does not make good management sense and should also be rejected.

CRW-4 **Other Uses are Compatible with Good Riparian Management.** Table 1.1 of the DEIS provides a summary of Taos Field Office riparian areas, their current use, and their known condition. Returning riparian areas to the PFC (Proper Functioning Condition) state is indicated in the DEIS as the ultimate objective of BLM's management plans. Four of the riparian areas listed in the table are stated to currently be in the desired proper functioning condition. Of these, one (Manueles Creek) is listed as having no evidence of use; two (Rio Cebolla and Rio Quemado) are listed as having ORV and grazing use; and one (Santa Cruz River above lake) is listed as having grazing, hiking, and fishing use. Grazing is currently occurring at three of the four PFC areas and ORV use is currently occurring at two of the four areas. It is clear, therefore, that other uses such as grazing, ORV, hiking, and fishing can be compatible with a properly functioning riparian area and should not be automatically excluded from those areas. Options such as Alternative 3 that automatically brand certain uses as incompatible should not even be considered. In fact, Table 1.1 provides good evidence that Alternative 3, or any other alternative that promotes a blanket ban on a particular activity, is completely inappropriate. The BLM is self-identified as a *management* agency. There are many legitimate uses of public lands and the first management reaction to a problem should be to seek mitigation, not closure.

CRW-5 **Allocation of Funding as First Priority.** By assigning the Taos Field Office's highest priority as protecting and restoring riparian areas as indicated on p. 2-4 under the preferred alternative, it follows that other legitimate needs and uses of public lands managed by your office would suffer from a significant lack of funding while riparian management was vigorously pursued. This is not a good management policy because many of your other important programs, such as biodiversity enhancement and T&E species protection in non-riparian areas, would unduly suffer. It should be clear that there are many important issues that need attention on public lands administered by the BLM, not just riparian habitat protection. It is suggested on p. S-1 in your summary statements that part of the legal objection to your current riparian management approach was that you have been proceeding too slowly due to a lack of funding. I submit that if riparian protection on public lands was of overriding interest compared to all other uses for a majority of the American people, the funding needed to provide that protection would have been there for you. The fact that it was not indicates that the criticality you attribute to riparian protection in preferred Alternative 2 does not reflect the opinion of the majority of Americans but only of the relatively small group that filed the lawsuit. The

**Response to CRW-3:**

Thank you for your comment. Alternative 3, Grazing Management, addresses public input and issue identification received by the BLM during the scoping process.

**Response to CRW-4:**

Except for Alternative 3, Grazing Management, activities or actions allowed within a riparian area (e.g., recreation or grazing) will be based on the site-specific requirements or management needs of individual riparian areas.

**Response to CRW-5:**

Developing budget priorities has and will continue to be a challenge for public and private organizations. The BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides documentation needed to assist in developing field office budget priorities.

CRW-5 (cont.) best use of your limited funds is to continue with what you have been doing: provide balanced support for all legitimate uses of the lands you manage.

CRW-6 **Not a Good Precedent to Set in Responding to a Lawsuit.** It is clear that riparian area protection is receiving the current high level of attention in response to a lawsuit. Your reaction has been to satisfy that legal challenge by making riparian area protection superior to all other needs for management of public lands. Suppose the Eight Northern Indian Pueblos Council, Inc. filed a lawsuit contending that your protection of their ancestral sites was not being pursued with sufficient vigor. Would you then turn around and make protection of prehistoric and historic resources your number one priority? You are setting a bad precedent in responding to the riparian habitat lawsuit in the manner proposed in the DEIS. As a citizen, I believe that adopting Alternative 2 would be a serious overreaction to the riparian protection lawsuit and a bad precedent to set in responding to future lawsuits.

In summary, I urge you to reconsider your priorities and maintain the balanced management posture you have held for so many years by adopting Alternative 1.

Sincerely,

Charles R. Wilson, Environmental Chairman
New Mexico 4-Wheelers
5 Dulce Road
Santa Fe, New Mexico 87505
Tel/Fax 505-466-2183

**Response to CRW-6:**

This comment reflects an opinion. Thank you for your comment; again, your support for Alternative 1 is noted.

I WOULD LIKE TO COMMENT ON THE DEIS 1/2000
JS-1 FOR RIPARIAN & AQUATIC HABITAT MANAGEMENT,
URGING YOU TO CONTINUE TO ALLOW CATTLE GRAZING.

WHILE IT IS CERTAIN THAT ~~UNDER~~ ~~[illegible]~~ SOME
CIRCUMSTANCES GRAZING CAN BE DETRIMENTAL, THERE
IS ALSO NO DOUBT THAT GRAZING CAN ~~ALSO~~ BE
JS-2 RESTORATIVE (WITNESS THE GLOBE-MIAMI MINE SPOILS
IN AZ) – TO ELIMINATE A TOOL, OR LIMIT ITS
FLEXIBILITY WILL NOT LEAD TOWARD THE GOAL
OF A HEALTHY, FUNCTIONING RIPARIAN ECOSYSTEM.

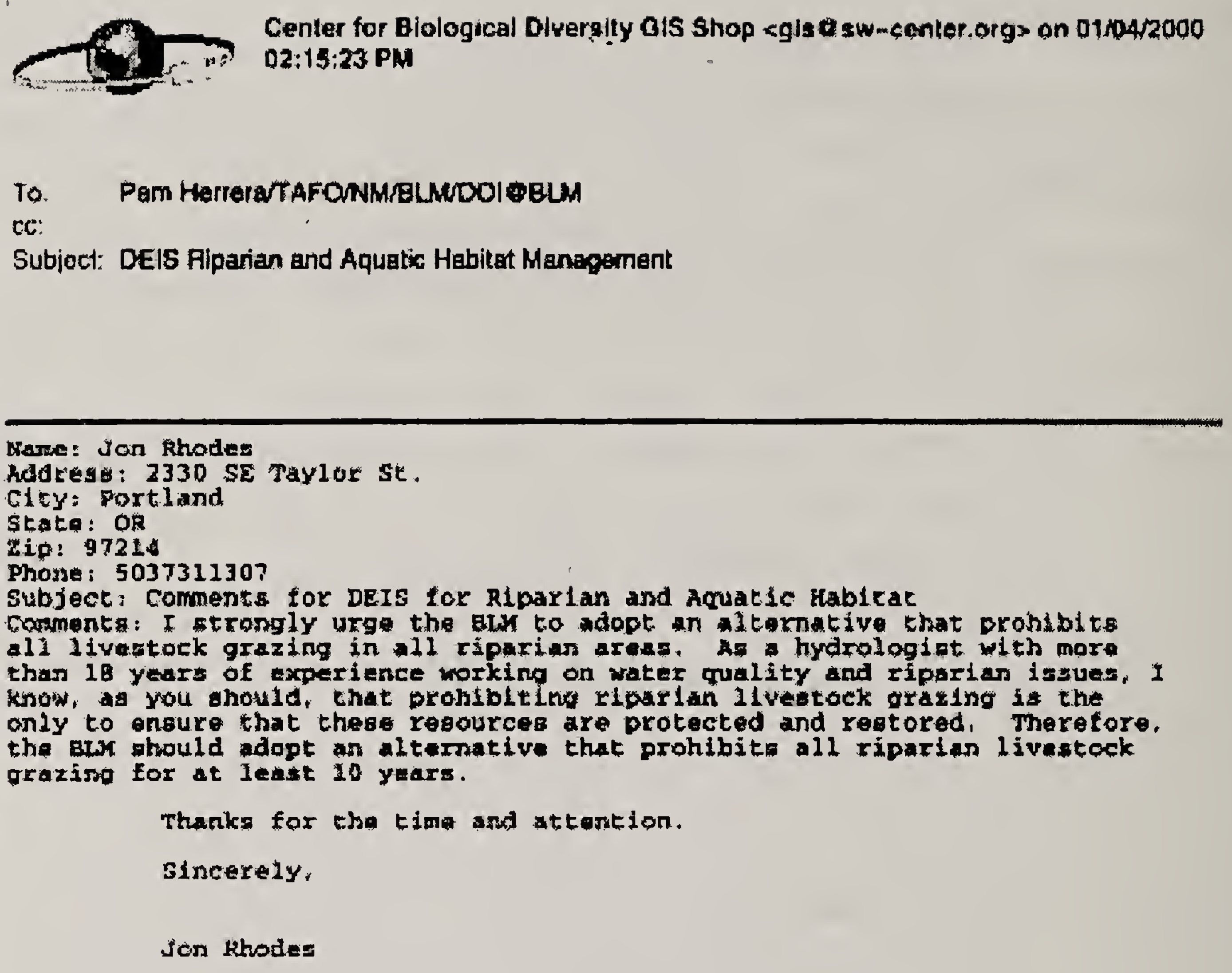
Jean Schwennesen

**Response to JS-1:**

The comment reflects an opinion; thank you for your comment.

**Response to JS-2:**

The comment reflects an opinion; thank you for your comment.



Center for Biological Diversity GIS Shop <gis@sw-center.org> on 01/04/2000 02:15:23 PM

To. Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: DEIS Riparian and Aquatic Habitat Management

---

Name: Jon Rhodes
Address: 2330 SE Taylor St.
City: Portland
State: OR
Zip: 97214
Phone: 5037311307
Subject: Comments for DEIS for Riparian and Aquatic Habitat

JR-1 Comments: I strongly urge the BLM to adopt an alternative that prohibits all livestock grazing in all riparian areas. As a hydrologist with more than 18 years of experience working on water quality and riparian issues, I know, as you should, that prohibiting riparian livestock grazing is the only to ensure that these resources are protected and restored. Therefore, the BLM should adopt an alternative that prohibits all riparian livestock grazing for at least 10 years.

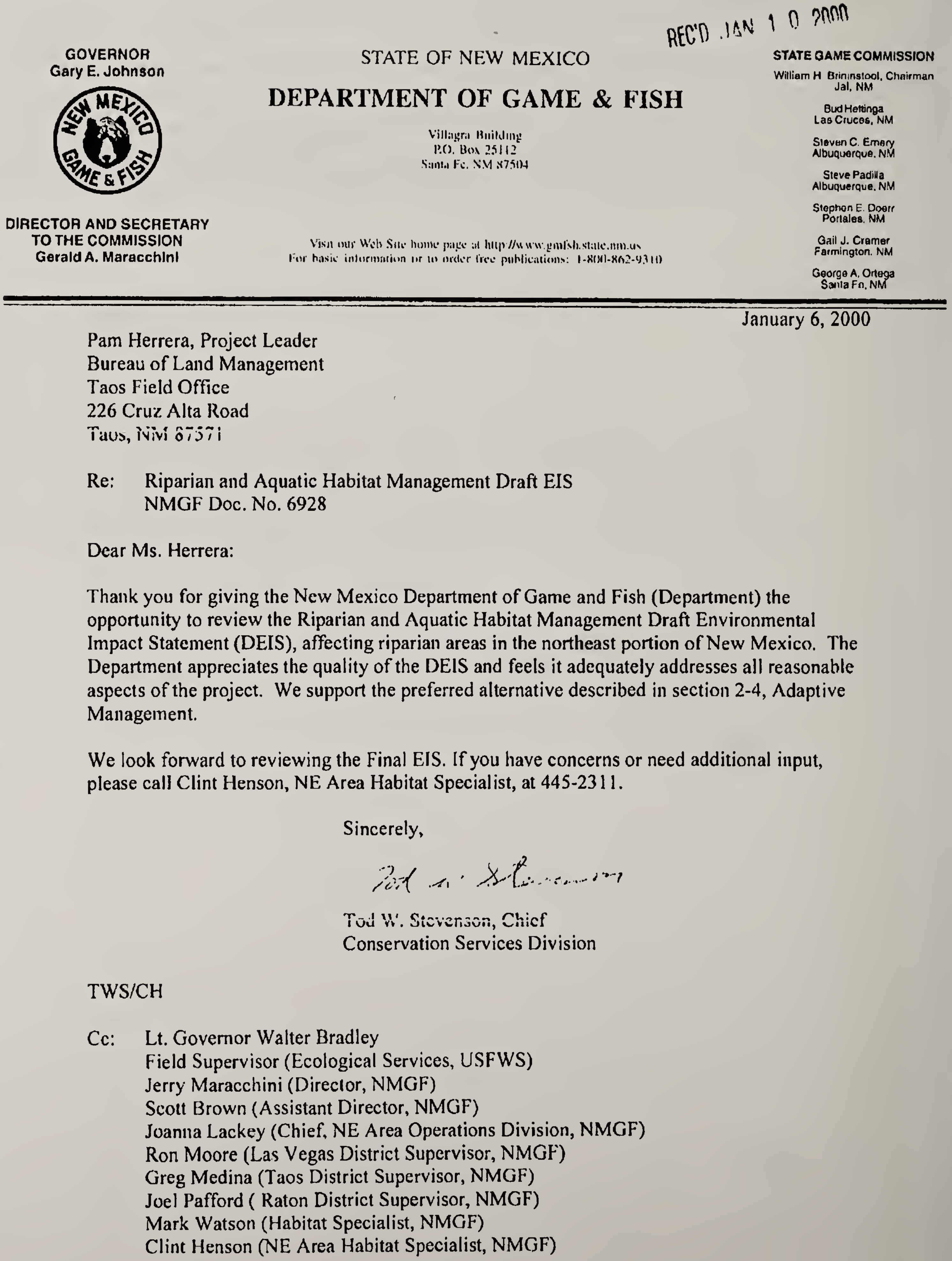
Thanks for the time and attention.

Sincerely,

Jon Rhodes

**Response to JR-1**:

The BLM does not choose one grazing management system over another; however, periods of rest are important to ensure healthy plants. The grazing system must be developed to meet the needs of the resource but tailored to fit the livestock operation. Grazing in riparian areas is subject to monitoring to determine whether riparian health is being maintained. When grazing contributes to resource degradation, the BLM will take action to modify management of the allotment.



REC'D JAN 10 2000

GOVERNOR
Gary E. Johnson

DIRECTOR AND SECRETARY
TO THE COMMISSION
Gerald A. Maracchini

STATE OF NEW MEXICO
**DEPARTMENT OF GAME & FISH**
Villagra Building
P.O. Box 25112
Santa Fe, NM 87504

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Farmington, NM
George A. Ortega
Santa Fe, NM

January 6, 2000

Pam Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, NM 87571

Re: Riparian and Aquatic Habitat Management Draft EIS
NMGF Doc. No. 6928

Dear Ms. Herrera:

TWS-1

Thank you for giving the New Mexico Department of Game and Fish (Department) the opportunity to review the Riparian and Aquatic Habitat Management Draft Environmental Impact Statement (DEIS), affecting riparian areas in the northeast portion of New Mexico. The Department appreciates the quality of the DEIS and feels it adequately addresses all reasonable aspects of the project. We support the preferred alternative described in section 2-4, Adaptive Management.

We look forward to reviewing the Final EIS. If you have concerns or need additional input, please call Clint Henson, NE Area Habitat Specialist, at 445-2311.

Sincerely,

Tod W. Stevenson, Chief
Conservation Services Division

TWS/CH

Cc: Lt. Governor Walter Bradley
Field Supervisor (Ecological Services, USFWS)
Jerry Maracchini (Director, NMGF)
Scott Brown (Assistant Director, NMGF)
Joanna Lackey (Chief, NE Area Operations Division, NMGF)
Ron Moore (Las Vegas District Supervisor, NMGF)
Greg Medina (Taos District Supervisor, NMGF)
Joel Pafford ( Raton District Supervisor, NMGF)
Mark Watson (Habitat Specialist, NMGF)
Clint Henson (NE Area Habitat Specialist, NMGF)

**Response to TWS-1:**

Thank you for your comment. Your support for Alternative 2 is noted.

COOPERATIVE EXTENSION SERVICE
NEW MEXICO STATE UNIVERSITY
BOX 3AE, LAS CRUCES, NEW MEXICO 88003-0031
COLLEGE OF AGRICULTURE AND HOME ECONOMICS

REC'D JAN

January 7, 1999

Pamela M. Herrera
Project Leader
Taos Field Office
USDI Bureau of Land Management
226 Cruz Alta Road
Taos, New Mexico 87571

Dear Ms. Herrera,

On behalf of the New Mexico Cooperative Extension Service and the Range Improvement Task Force, I am writing in response to the Draft EIS for Riparian and Aquatic Habitat Management in the Taos Field Office. Pursuant to your request for comments prior to January 12, 1999 and our mandate to provide guidance to land managers in New Mexico, I ask you to consider the following.

TTB-1

(1) I question the designation of Alternative 2 (Adaptive Management Alternative) as the Preferred Alternative given the potential economic impacts to permittees (see p. 4-25) when it is explicitly stated in the Summary (p. S-1) that "each alternative is capable of accomplishing the proposed action of restoring and protecting riparian habitats on lands under BLM jurisdiction". If the proposed riparian restoration can be accomplished without socioeconomic impact to local producers and economies with the Current Management Alternative (see p. 4-19), why not consider this the Preferred Alternative. Although certain management adjustments might have to be made to achieve the proposed riparian restoration, they could be accomplished under the Current Management Alternative without unnecessarily compromising the socioeconomic condition of local economies. Many of the sources you have cited contain guidance for managing livestock and sustaining riparian areas simultaneously ( BLM 1997, BLM 1999, see also Elmore and Kauffman 1994). I would also suggest that your goals and objectives could be accomplished using controlled grazing systems with the Current Management Alternative without going to the extra expense and labor, and without adversely impacting the permittees as would occur with the Preferred Alternative. It appears that your Las Cruces Field Office feels similarly in that they have listed the Current Management Alternative as the Preferred Alternative.

New Mexico State University is an equal opportunity/affirmative action employer and educator. NMSU and the U.S. Department of Agriculture cooperating.

**Response to TTB-1**:

The Adaptive Management Alternative was selected because it places emphasis on restoration and protection of riparian habitats, while providing for continuation of livestock grazing and flexibility for adjusting management strategy in response to changing situations. The Current Management Alternative is appropriate for the Las Cruces Field Office because the recent Mimbres Resource Management Plan places priority on protecting riparian values, whereas the FEIS supplements the older Farmington Resource Management Plan by adding riparian emphasis in the Adaptive Management Alternative.

TTB-2 (2) I encourage you to include in your final EIS more detailed descriptions of the methods used to assess riparian area health and the sources of impacts. You describe light, moderate, and heavy grazing but make no attempt to define these levels or the method of measurement. Is this purely qualitative or were actual field measurements taken? It would also be appropriate to describe in greater detail the rating systems for riparian areas. In particular, given the subjective nature of the PFC method for assessing riparian function and the importance of having the most qualified personnel conduct this assessment, it is necessary to provide some evidence referring to the qualifications of the team that conducted the assessment. I also remind that the PFC method is not designed to be used along ephemeral stream systems nor is it designed to substitute for a quantitative monitoring method. You also refer to ORV use and the presence of roads but make no mention of how the effects of these impacts were measured. Whereas research on the impacts of livestock grazing on aquatic habitats has been inconclusive (Rinne 1999) and research addressing the impacts of livestock grazing on endangered or threatened species is incomplete, the scientific literature is replete with evidence of the negative effects of ORV's and roads on riparian and aquatic habitat.

TTB-3 (3) Along similar lines, the Draft EIS dismisses detailed analyses of recreation use and mineral development (to be read inclusive of all mining activities including gravel mining) as being necessary despite the comments received to this effect during the public scoping. According to the Draft EIS, these are not significant issues as compared to livestock grazing (p. 2-10). I submit that these uses have equal if not more potential to affect riparian and aquatic health than livestock grazing and that excluding these impacts could threaten attempts to achieve true riparian and aquatic sustainability.

TTB-4 (4) The Draft EIS also states that Alternative 3 is "a response to the conventional wisdom that domestic livestock grazing is an inappropriate use of riparian areas and should not be allowed to occur at any time". First, I question the term "conventional wisdom". Will conventional wisdom be allowed to determine the use of public riparian areas in favor of scientific evidence? Although the Draft EIS goes on to state that there is considerable literature to support the contention that removal of livestock would result in an improvement in riparian areas, there is also considerable literature that supports closely managed grazing regimes in favor of complete livestock exclusion. While excessive livestock grazing undoubtedly affects riparian and aquatic habitats, eliminating reasonable levels of grazing probably will not result in the dramatic improvements indicated by the Draft EIS and "conventional wisdom". This is particularly true when, as in most cases, there are numerous other impacts such as mining, recreation, ORV use, roads, and deteriorating upland watershed conditions. A majority of the Draft EIS seems to be a response to the "conventional wisdom" and the lawsuit based on that "conventional wisdom" that domestic livestock grazing is inappropriate. Why not use this opportunity to embrace scientific evidence and the exploration of the true relationships between livestock grazing and riparian and aquatic health.

**Response to TTB-2:**

The methodology for conducting PFC analysis described in BLM TR 1737-15, *A User Guide to Assessing Proper Functioning Condition and the Supporting Science for Lotic Areas* (BLM 1998), is used to determine the current functioning condition of riparian habitats in lotic areas. The methodology described in TR 1737-11, *Process for Assessing Proper Functioning Condition for Lentic Riparian-Wetland Areas* (BLM 1994a), is used for lentic areas. Members of BLM interdisciplinary teams who conduct PFC analyses are trained in the methodology. Use of riparian areas by off-highway vehicles (OHVs) for recreation or other purposes is considered in the PFC assessment.

**Response to TTB-3:**

The potential effects of mineral development and recreational activities on riparian habitats were considered in the formative stages of the EIS preparation, including public scoping. However, they were considered to be adequately addressed in current stipulations applying to those activities.

**Response to TTB-4:**

The reference to conventional wisdom relates to the perception expressed by a majority of commenters in the public scoping process that grazing by domestic livestock is responsible for the deterioration of riparian habitats. The selection of the Grazing Management Alternative was in response to that observation, although it was not the preferred alternative, nor was it selected as the basis for the HMP (Volume 2 of the FEIS). Although the Grazing Management Alternative would exclude grazing by domestic livestock categorically from all riparian areas, the analysis of scientific evidence versus conventional wisdom led to the selection of the preferred alternative, which does provide for selective livestock grazing.

TTB-5 (5) Please refer to my previous comments (December 2, 1998) regarding methods for monitoring and the qualifications of the personnel conducting data collection. The validity of the data and the collection procedures, regardless of the alternative chosen, may be improved if they are outlined in the final and made available to be commented on accordingly. Also addressed in my previous comments, additional information needs to be provided regarding fencing riparian areas. Who will be responsible for constructing and maintaining fences? How will the width of the fenced area be determined? If fences are constructed to provide the most rapid restoration of riparian areas, will they also exclude large wild ungulates and will watering gaps for wildlife and livestock be provided?

I appreciate the opportunity to comment on the Draft EIS for the Taos Resource Area. Please feel free to call if I can be of any assistance during the remainder of the process.

Sincerely,

Terrell T. "Red" Baker, Ph.D.
Extension Riparian Management Specialist

cc:

John Fowler, Ph.D.
Coordinator, Range Improvement Task Force

Ron Parker, Ph.D.
Department Head, Extension Animal Resources

**Literature Cited**

Elmore, W., and J.B. Kauffman. 1994. Riparian and watershed systems: Degradation and restoration. *In: Ecological implications of livestock herbivory in the West,* M. Vavra, W.A. Laycock, and R.D. Piper (eds.). Society for Range Management, Denver, CO. pp.212-231.

Rinne, J. N. 1999. Fish and grazing relationships: The facts and some pleas. *Fisheries* 24: 12-21.

U.S. Bureau of Land Management. 1998. Riparian Area Management: A User's Guide to Assessing Proper Functioning Condition and the Supporting Science for Lotic Areas. TR 1737-15, Natural Resources Conservation Service, Denver, Colorado.

U.S. Bureau of Land Management. 1997. Grazing Management for Riparian-Wetland Areas. TR 1737-14, National Riparian Service Team, Prineville, Oregon.

**Response to TTB-5:**

Monitoring protocols are described in the BLM 1737 TR series, particularly TR 1737-6 (*Management Techniques in Riparian Areas* [BLM 1992a]), TR 1737-7 (*Procedures for Ecological Site Inventory – with Special Reference to Riparian-Wetland Sites* [BLM 1992c]), TR 1737-8 (*Greenline Riparian-Wetland Monitoring*) [BLM 1993a], TR 1737-11 (*Process for Assessing Proper Functioning Condition for Lentic Riparian-Wetland Areas* [BLM 1994a]), TR 1737-12 (*Using Aerial Photographs to Assess Proper Functioning Condition of Riparian-Wetland Areas* [BLM 1996b]), TR 1737-13 (*Observing Physical and Biological Change through Historical Photographs* [BLM 1996a]), TR 1737-14 (*Grazing Management for Riparian-Wetland Areas* [BLM 1997]), and TR 1737-15 (*A User Guide to Assessing Proper Functioning Condition and the Supporting Science for Lotic Areas* [BLM 1998]). Management fences are constructed specifically to prevent access by domestic livestock yet allow access by wildlife, including large ungulates. Exclosure fences for scientific studies are designed to prevent or allow access in accordance with the purpose of the study.

RECD JAN 1 2 2000

5031 Onondaga Rd.
Syracuse, New York 13215=1403
Jan. 7, 2000

From: (Ms.) Linda DeStefano Linda DeStefano
To: Pam Herrera, BLM Project Leader, Taos, NM✓
Jim Silva, Albuquerque Project Leader
Bob Moore, Farmington Project Leader
Bill Merhege, Las Cruces BLM

Re: public comments on alternative draft management plans re 'livestock' grazing along riparian habitats

LD-1 I strongly favor the choice which would totally eliminate the grazing of 'livestock' in riparian areas.

**Response to LD-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

REC'D JAN 1 0 2000

**NEW MEXICO NATURAL HISTORY INSTITUTE**
A Nonprofit Corporation
1750 Camino Corrales
Santa Fe, New Mexico 87505-7502

7 January 2000

Pam Herrera, Project Leader
Bureau of Land Management
226 Cruz Alta Road
Taos, NM 87571

Dear Ms. Herrera:

Thank you for opportunity to comment on your DEIS "Riparian and Aquatic Habitat Management." Its scientific pronouncements seem to be fair and thorough.

RSP-1 We're not so sure that its list of riparian areas is complete. For instance, what about the north edge of Sabinosa Wilderness Study Area?

You know (and you say, p. 4.7) that fencing and exclusion of livestock is the effective means to get riparian recovery. We agree with that, and therefore favor Alternative 3. You should too.

RSP-2 Not wanting to commit to fencing all riparian areas, you prefer Alternative 2 (which is Alternative 1 dressed up with some pretty language). But even were you to allow livestock into riparian areas for a little dormant-season grazing, which under some conditions might not much harm the vegetation, you would at the same time be allowing those livestock to foul streambeds and to trample banks.

The time has come to declare that at least the tiny percentage of BLM lands that can grow riparian vegetation should be excluded from livestock. Probably lots of other acres should be cattle-free too, but at least the riparian.

Sincerely,

Roger S. Peterson
Secretary

**Response to RSP-1:**

All riparian areas (except the Rio Grande and Rio Chama) are intended to be included within this document. However, because of the scattered land patterns, some small riparian areas may have been omitted. If new areas are located in the future, they will be incorporated into the protection strategies identified within this document.

**Response to RSP-2:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

REC'D JAN 1 3 2000

5031 Onondaga Rd.
Syracuse, New York 13215=1403
Jan. 7, 2000

From: Richard W. Weiskopf, M.D. RWeiskopf
To: Pam Herrera, BLM Project Leader, Taos, NM
Jim Silva, Albuquerque Project Leader
Bob Moore, Farmington Project Leader
Bill Merhegę, Las Cruces BLM

Re: public comments on alternative draft management plans re 'livestock' grazing along riparian habitats

RWW-1 I strongly favor the choice which would totally eliminate the grazing of 'livestock' in riparian areas.

**Response to RWW-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

REC'D JAN 13 2000

J. Petrofsky
Cupertino CA 95015-2413

8 Jan 00

Pam,

I am writing in response to the Draft EIS for Riparian & Aquatic Habitat Management. Despite the fact that most of the riparian areas are identified as being in a degraded state, largely due to cattle grazing, the preferred alternative will lead to little improvement in their condition.

JPG-1 This sounds like another BLM sell-out, caving in to the interests of a few powerful cattle ranchers at the expense of ~~the~~ many taxpayers such as myself. This is not right.

JPG-2 Please instead select alternative three, which will protect these enviormentally critical areas by removing all live stock grazing. Thank you.

Sincerely,

**Response to JGP-1:**

The comment reflects an opinion; thank you for your comment.

**Response to JGP-2:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

REC'D JAN 1 2 2000

January 9, 2000

1922 E. Orion Street
Tempe, AZ 85283

Ms. Pam Herrera, Project Leader
BLM Taos Field Office
226 Cruz Alta Road
Taos, NM 87571

Dear Ms. Herrera,

I am writing to submit comments on the draft environmental impact statement (DEIS) for Riparian and Aquatic Habitat Management.

JB-1

Researchers have found no ecological benefits whatsoever to livestock grazing in the Southwest's unique and scarce riparian areas (Belsky 1999).

Subsequently, your final decision should include provisions to restrict cattle from riparian areas. The best management strategy would be to totally exlcude them from the streams altogether.

Positive results have also been achieved by winter use only, whereby the cattle are not allowed in the streams during the warm growing season. This strategy, however, is not as good as total exclusion. It may still result in some overuse of the vegetation. And the cattle may still inflict mechanical damage on the streambanks.

JB-2

Please do not decide to allow summer grazing in riparian areas under the condition that a maximum useage standard will not be exceeded. It may sound good on paper, but there's no practical way to control cattle use in riparian areas during warm weather as the cattle naturally want to congregate there. These types of strategies invariably fail because the only way to enforce the use standard is to move the cattle out of the pasture earlier than scheduled. And this almost never happens in the real world. Besides that, basing acceptable levels of livestock impact solely upon forage useage levels ignores the mechanical damage inflicted on the streambanks by their hooves (Trimble 1995).

Thank you for this opportunity to participate and please keep me updated on the status of this project.

Sincerely,

Jeff Burgess
Ph 602-417-4486 (day)
E-mail: jburgess@neta.com

**Response to JB-1:**

The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation.

**Response to JB-2:**

Grazing in riparian areas is subject to monitoring to determine whether riparian health is being maintained. Where grazing is contributing to resource degradation, the BLM will take action to modify management of the allotment.

Literature Cited

Belsky, A.J., A. Matzke, and S. Uselman. 1999. Survey of Livestock Influences on Stream and Riparian Ecosystems in the Western United States. Journal of Soil and Water Conservation 54(1): 419-431.

Trimble, S.W., and A.C. Mendel. 1995. The Cow as a Geomorphic Agent-A Critical Review. Geomorphology. 13:233-253.

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REC'D JAN 1 2 2000

Nolan Thomas Jones, Jr.
341 N Center Street #6 ◆ Salt Lake City, UT 84103
Email: tom@jrat.com

January 9, 2000

Pam Herrera, Project Coordinator
BLM Taos Field Office
226 Cruz Alta Road
~~Taos, NM 87571~~

Dear Ms. Herrera –

Thank you for the opportunity to comment on the Draft EIS regarding Riparian and Aquatic Habitat Management.

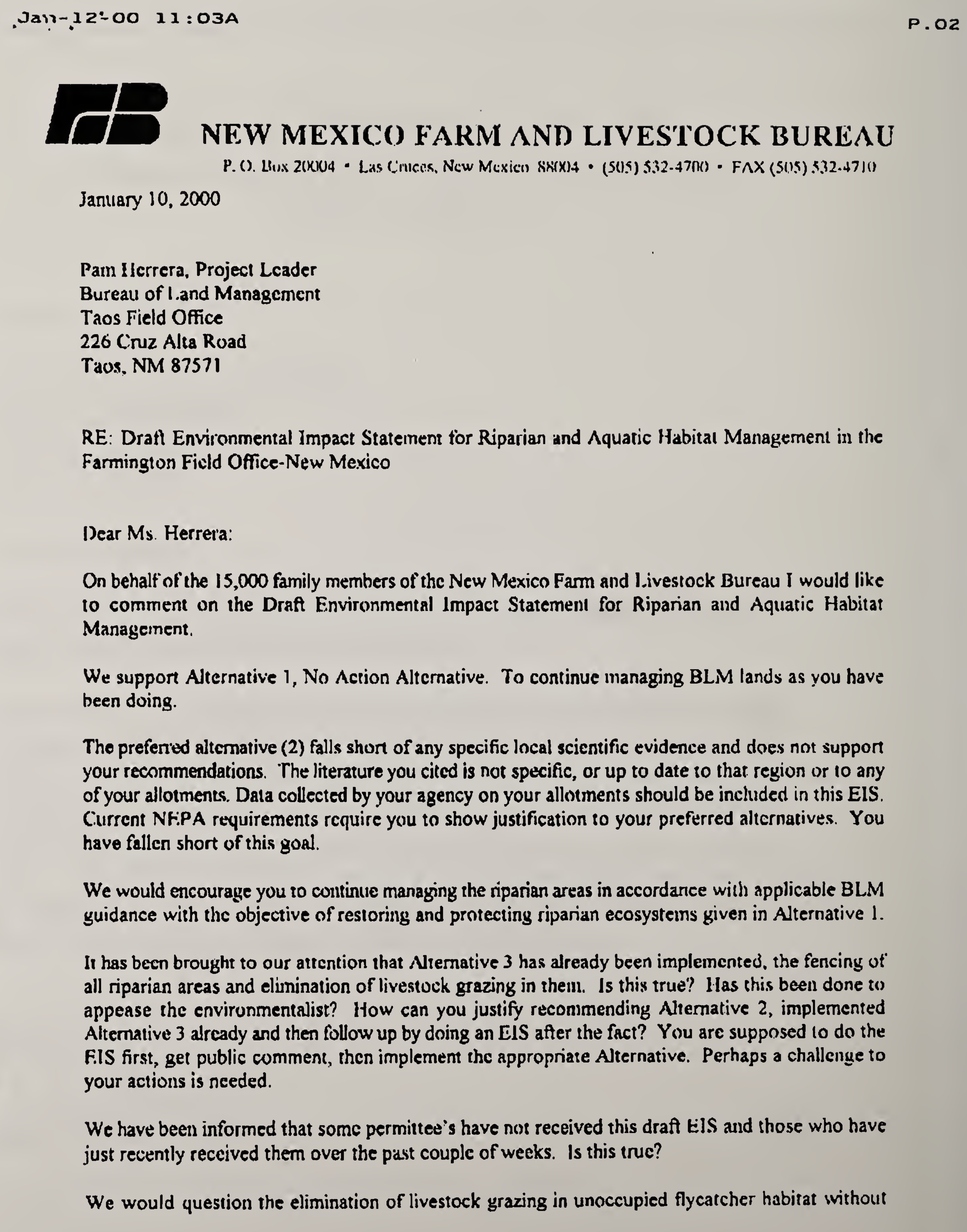
NTJ-1 **I am in favor of Alternative Three** as the only alternative that will promptly remove livestock from sensitive riparian areas and give these places a chance to recover on a timely basis. For many years, the BLM has allowed the livestock grazers to irresponsibly over-graze and otherwise make free use of the range without regard for the environment and other users. Only Alternative Three stops this destruction right away, rather than allowing further degradation. Until ranchers act as responsible citizens, the BLM has no business leasing out public lands to them.

Sincerely,

Nolan Thomas Jones, Jr.

**Response to NTJ-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.



Jan-12-00 11:03A P.02

NEW MEXICO FARM AND LIVESTOCK BUREAU
P. O. Box 20004 • Las Cruces, New Mexico 88004 • (505) 532-4700 • FAX (505) 532-4710

January 10, 2000

Pam Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Farmington Field Office-New Mexico

Dear Ms. Herrera:

On behalf of the 15,000 family members of the New Mexico Farm and Livestock Bureau I would like to comment on the Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management.

JAA-1 We support Alternative 1, No Action Alternative. To continue managing BLM lands as you have been doing.

JAA-2 The preferred alternative (2) falls short of any specific local scientific evidence and does not support your recommendations. The literature you cited is not specific, or up to date to that region or to any of your allotments. Data collected by your agency on your allotments should be included in this EIS. Current NEPA requirements require you to show justification to your preferred alternatives. You have fallen short of this goal.

JAA3 We would encourage you to continue managing the riparian areas in accordance with applicable BLM guidance with the objective of restoring and protecting riparian ecosystems given in Alternative 1.

JAA-4 It has been brought to our attention that Alternative 3 has already been implemented, the fencing of all riparian areas and elimination of livestock grazing in them. Is this true? Has this been done to appease the environmentalist? How can you justify recommending Alternative 2, implemented Alternative 3 already and then follow up by doing an EIS after the fact? You are supposed to do the EIS first, get public comment, then implement the appropriate Alternative. Perhaps a challenge to your actions is needed.

JAA-5 We have been informed that some permittee's have not received this draft EIS and those who have just recently received them over the past couple of weeks. Is this true?

JAA-6 We would question the elimination of livestock grazing in unoccupied flycatcher habitat without

**Response to JAA-1:**

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to JAA-2:**

Please see Table 1.1 and 3.5 and Section 3.13 in the DEIS (BLM 1999) for specific information on each riparian and wetland area, including information on allotment characteristics. In addition, information developed during the ongoing allotment management environmental assessments (EAs), as well as from the regular site surveys and monitoring specified in the adaptive management alternative, provides continuing feedback on the effectiveness of prescribed riparian management actions.

**Response to JAA-3:**

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to JAA-4:**

It is the intent of the BLM to improve the health of the land, not to stop livestock grazing on public lands or to put anyone out of business. The BLM has not committed to a management strategy or alternative for the HMP on the basis of the requests of one or a few organizations or members of the public. Any fencing operations or changes in grazing management within individual allotments prior to the development of this document have been the subject of previous NEPA actions (e.g., EAs). The BLM has coordinated these actions with permittees. Some of the riparian areas may have been fenced to protect endangered species (e.g., the southwestern willow flycatcher). Laws such as the ESA are not overridden by the FLPMA.

**Response to JAA-5:**

The BLM intended to provide all BLM permittees within the Taos Field Office area with a copy of the DEIS. However, because of an oversight, some permittees did not receive the document in the appropriate time period. The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to JAA-6:**

By definition, no nesting pairs of southwestern willow flycatchers occur in unoccupied habitat. Under Alternatives 1 and 2 in the DEIS, use of riparian areas by domestic livestock is determined after field surveys indicate the condition and management requirements of each riparian area. In the case of southwestern willow flycatchers, the surveys will analyze the current status and potential for recovery of key components of vegetation structure and composition and determine how domestic livestock grazing would affect these parameters.

JAA-6 (cont.) proper documentation that they are detrimental to flycatcher survival. How many nesting pairs have been reported in this area?

JAA-7 In your reference to the paleontological and cultural resources within riparian habitats in the Taos Field Office, we would recommend that you follow NEPA policy that specifies that these areas be surveyed and all data on these surveys be included in any EIS.

JAA-8 We would also challenge the presumptions that you made in all the socioeconomic sections in this EIS. Especially, in reference to the comment that any Alternative will not have a direct impact on any economics of this area. We would disagree with you and state that an economic hardship on one American Citizen caused by this EIS is one to many. Given that we are in an arid region and water is very limited, any prevention of livestock to riparian areas would indeed effect the permittee in a negative way. You also keep referring to present analysis done in these sections. What present analyses are you referring to? Who did this analysis and where is the data to back your bold statements? We believe that these sections fall short of NEPA compliance and will indeed effect the local economy more than you state and would request a more in-depth analysis of this section.

JAA-9 You mention that alternative water sources will be provided in areas where access to riparian areas have been denied (if they haven't been done already). Who will pay for these wells or alternate water sources? Who will maintain these improvements? Could lanes be added to areas that are fenced off so that cattle can reach these riparian areas to water?

JAA-10 We would also like to know who will pay and maintain for fencing in areas that it is required?

JAA-11 We would also question why elk damage to riparian areas has not been mentioned or any other wildlife damage to these areas. Given the increase in the number of elk, especially in that area, and its increase in competition with livestock over the last few years, we believe it should be covered in this EIS. Will hunting and fishing in these areas be denied also? How will you keep the recreationist out of these areas?

JAA-12 You mention controlling and decreasing saltcedar and Russian olive groves. What has been done up to this time to do this type of management? Given that most treatments would be mechanical and mechanical means would change the environment, how will you mitigate these areas in this EIS? It is our understanding that if you are managing for flycatchers the U.S. Fish and Wildlife has determined that saltcedar stands will be protected for them. How does this conflict with your management strategies?

JAA-13 We would show our support for Alternative 1, the No Action Alternative. It has been stated in one of these draft EIS's, "Although it is clear that livestock grazing can be detrimental to riparian vegetation, current grazing practices enacted after the passage of the Taylor Grazing Act of 1934 have lessened the adverse impacts significantly." Given this statement we would encourage you to work with the permittee and find a feasible solution to protecting riparian areas. Alternative 2, the Preferred Alternative would put to many people out of business, therefore we oppose this Alternative. The implementation of Alternative 3 would indeed have a dire effect on the local economy.

**Response to JAA-7:**

Because management actions that disturb soil have not yet been identified for any of the alternatives presented in the DEIS, archeological surveys are not yet required or appropriate. In the event that future management actions involve soil disturbance, appropriate cultural clearances would be scheduled.

**Response to JAA-8:**

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to JAA-9:**

When necessary, the BLM provides alternative livestock watering sources when an existing base water source is fenced to exclude its use. For example, a spring box, pipeline, and water trough system is used to provide a water source away from the fenced spring area. If alternative watering sources cannot be developed, water gaps may be created to give livestock limited access to the stream.

**Response to JAA-10:**

Funding for fencing will be provided by the BLM. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while permittees maintain those within allotments.

**Response to JAA-11:**

During the proper functioning condition (PFC) surveys and monitoring actions that are described in the HMP (Volume 2 of the FEIS), the BLM will seek to collect more information on elk use in the riparian areas. If required, elk management actions will be implemented.

**Response to JAA-12:**

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. All vegetation management will comply with the findings of the Biological Evaluation presented in Appendix B of the FEIS (Volume 1) and will follow the stipulations of the Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS 1997).

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**Response to JAA-13:**

Thank you for your comment; your support for Alternative 1 is noted.

JAA-14 We are concerned with the lack of adequate data in this EIS and its effects to the local culture and communities. We are also concerned that you have already implemented Alternative 3 to appease the environmental groups whose sole mission is to eliminate livestock grazing in the Western United States. If this is so, you have not followed the intent of the law and are out of NEPA compliance. We would encourage you to correct this before legal action is taken against you

We look forward to hearing your response to our concerns.

Sincerely,

Joel A. Alderete
Regional Director
NM Farm and Livestock Bureau

Cc: NM Congressional Delegation
Governor Gary Johnson
Lt. Governor Walter Bradley

**Response to JAA-14:**

The intent of the BLM is to ensure proper management of the riparian/aquatic habitats on public land. The BLM has conducted an open public process in the preparation of the DEIS and the FEIS that meets or exceeds all NEPA requirements. The BLM has not committed to a management strategy or alternative for the HMP on the basis of the requests of one or a few organizations or members of the public.

REC'D JAN 2 1 2000

January 10, 2000

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DEIS FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. AsPresident, I submit these comments on behalf of the Sandia Jeep Club, a Santa Fe-based organization promoting the responsible recreational use of four-wheel drive vehicles.

SCDa-1 In reviewing your DEIS, I have found your proposed approach to managing riparian and aquatic habitats to be unacceptable and irresponsible. I regret having come to this conclusion because we have worked with several members of the Taos Field Office staff to promote balanced, multi-purpose use of BLM-administered public lands and have found those staff members to be both knowledgeable and responsible people. My conclusions stem not only from my concern for preserving primitive roaded recreational opportunities on public lands but also from my concern that public lands should continue to be managed in a manner that considers all needs. For these reasons, the Sandia Jeep Club supports the balanced approach to riparian and aquatic habitat management provided by your current program, which has been identified, inappropriately, as the "no-action alternative."

The specific reasons for my conclusions are summarized as follows.

SCDa-2 **Single-Minded Purpose of Preferred Alternative 2 Ignores Common Sense and Good Management Practice.** As stated on p. 2-4 of the DEIS, "... the Adaptive Management Alternative seeks first to do what is necessary to ensure the restoration and protection of riparian areas and then to permit those other uses to the extent that they are compatible with the preservation of riparian resources." The preferred alternative subrogates *all* other uses to the preservation of riparian resources. This is blind, unbalanced management. Although certainly riparian habitat is important, circumstances will arise where the need to preserve riparian resources must be weighed against other important and legitimate needs such as prehistoric and historic resource preservation, recreation and facility development, and public access. It is not good management practice to bind your hands with a policy that keeps you from weighing the multitude of needs on their own merits and coming to management decisions that make sense. Riparian resource preservation will not always be the best and highest management objective at all riparian locations. Alternative 2 does not make good management sense and should be rejected.

**Response to SCDa-1**:

Thank you for your comment. Your support for Alternative 1 is noted. The No Action Alternative is presented as Alternative 1, Current Management, in the DEIS and represents continuation of current management programs. The continuation of current programs satisfies NEPA's definition of No Action.

**Response to SCDa-2:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

SCDa-3 **Alternative 3, Grazing Management, also Ignores Good Management Practice and Common Sense.** As stated on p. 2-7 of the DEIS, "Under the Grazing Management Alternative, the Taos Field Office would eliminate grazing by domestic livestock in riparian areas …" The blanket elimination of grazing, or any other legitimate use of public lands, without consideration of site-specific conditions and mitigation measures is also blind, unbalanced management. Again, it is not good management practice nor the best and highest use of public lands to adopt a policy that constrains the BLM from making decisions based on the merits of each situation. It is entirely possible that grazing would be compatible with riparian protection in many areas, as illustrated in my next comment. Alternative 3 does not make good management sense and should also be rejected.

SCDa-4 **Other Uses are Compatible with Good Riparian Management.** Table 1.1 of the DEIS provides a summary of Taos Field Office riparian areas, their current use, and their known condition. Returning riparian areas to the PFC (Proper Functioning Condition) state is indicated in the DEIS as the ultimate objective of BLM's management plans. Fou of the riparian areas listed in the table are stated to currently be in the desired proper functioning condition. Of these, one (Manueles Creek) is listed as having no evidence of use; two (Rio Cebolla and Rio Quemado) are listed as having ORV and grazing use; and one (Santa Cruz River above lake) is listed as having grazing, hiking, and fishing use. Grazing is currently occurring at three of the four PFC areas and ORV use is currently occurring at two of the four areas. It is clear, therefore, that other uses such as grazing, ORV, hiking, and fishing can be compatible with a properly functioning riparian area and should not be automatically excluded from those areas. Options such as Alternative 3 tha automatically brand certain existing uses as incompatible should not be considered. In fact, Table 1.1 provides good evidence that Alternative 3, or any other alternative that promotes a blanket ban on a particular activity, is completely inappropriate. The BLM is self-identified as a *management* agency. There are many legitimate uses of public lands and the first management reaction to a problem should be to seek mitigation, not closure.

SCDa-5 **Allocations of Funding.** By assigning the Taos Field Office's highest priority as protecting and restoring riparian areas as indicated on p. 2-4 under the preferred alternative, it follows that other legitimate needs and uses of public lands managed by your office would suffer from a significant lack of funding while riparian management was vigorously pursued. This is not a good management policy because many of your other important programs, such as biodiversity enhancement and T&E species protection in non-riparian areas, would unduly suffer. As you know, there are many important issue that need attention on BLM administered public lands, not just riparian habitat protection It is suggested on p. S-1, in your summary statements, that part of the legal objection to your current riparian management approach was that you have been proceeding too slowly due to a lack of funding. I submit that if riparian protection on public lands was o overriding interest compared to all other uses for a majority of the American people, the funding needed to provide that protection would have been there for you. The fact that it was not indicates that the criticality you attribute to riparian protection in preferred Alternative 2 does not reflect the opinion of the majority of Americans but only of the

**Response to SCDa-3:**

Thank you for your comment. Alternative 3, Grazing Management, addresses public input and issue identification received by the BLM during the scoping process.

**Response to SCDa-4:**

Except for Alternative 3, Grazing Management, activities or actions allowed within a riparian area (e.g., recreation or grazing) will be based on the site-specific requirements or management needs of individual riparian areas.

**Response to SCDa-5:**

Developing budget priorities has and will continue to be a challenge for public and private organizations. The BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

SCDa-5 (cont.) to continue with what you have been doing: provide balanced support for all legitimate uses of the lands you manage.

**This is Not a Good Precedent to Set.** It is clear that riparian area protection is receiving the current high level of attention in response to special interest litigation. Your reaction has been to satisfy that challenge by making riparian area protection superior to all other needs for management of public lands. What happens when litigation is filed that contradicts this response? Suppose the Eight Northern Indian Pueblos Council, Inc. filed a lawsuit contending that your protection of their ancestral sites was not being pursued SCDa-6 with sufficient vigor. Would you then turn around and make protection of prehistoric and historic resources your number one priority? Do you have the extra resources to draft yet another EIS? Multiple EISs, one after another as varying special interests sue? You are setting a bad precedent by addressing the riparian habitat lawsuit in the manner proposed in the DEIS, even if it has merit. I believe that adopting Alternative 2 under these conditions would be a serious overreaction to the riparian protection lawsuit and a terrible precedent to set in responding to future lawsuits.

In summary, I urge you to reconsider your priorities and maintain the balanced management posture that has been so successful for so many years by adopting Alternative 1. As always, the Sandia Jeep Club looks forward to working with your office in the future.

Sincerely,

Sam F. C de Baca

Sam C de Baca, President
Sandia Jeep Club
P.O. Box 29444
Santa Fe, NM 87592-9444

**Response to SCDa-6:**

This comment reflects an opinion. Thank you for your comment; again, your support for Alternative 1 is noted.

January 10, 2000

Bureau of Land Management
Albuquerque Field Office
435 Montano Road NE
Albuquerque, New Mexico 87107-4935

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

SCDb-1 Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As a member of the Sandia Jeep Club, a Santa Fe-based organization promoting the responsible use of four-wheel drive vehicles, I am deeply concerned about the management direction this document promotes. I do not believe that the BLM should place riparian habitat protection above all other needs when managing our public lands. The BLM should instead manage the land to best meet the needs of all users, emphasizing balanced multiple use objectives as it has in the past. Where uses conflict, an effort should first be made to seek effective mitigating measures rather than to summarily exclude one use in favor of another or identify one use as universally more important than another.

SCDb-2 I support your current program, expressed as Alternative 1, because it provides a more balanced approach to resolving management issues. Alternative 2 places riparian habitat protection above all other uses, which is wrong. Alternative 3 would summarily exclude all cattle grazing in riparian areas, which is also wrong because it provides no allowance for mitigating measures and site-specific conditions.

I strongly urge you to abandon Alternative 2 and adopt Alternative 1 as your preferred approach to protecting riparian areas.

Sincerely,

Sam F. C de Baca
13 YA CALLETE LN
LA CIENEGA NM
87505

**Response to SCDb-1:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to SCDb-2:**

Thank you for your comment. Your support for Alternative 1 is noted.

REC'D JAN 13 2000

New Mexico Cattle Growers' Association
2231 RIO GRANDE BLVD., N.W. • ALBUQUERQUE, NEW MEXICO 87104
P.O. BOX 7517 • ALBUQUERQUE, NEW MEXICO 87194
TELEPHONE (505) 247-0584 • FAX (505) 842-1766 • E-MAIL NMCGA@RT66.COM

January 10, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

On behalf of the New Mexico Cattle Growers Association (NMCGA) and its membership, I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS).

CCa-1 First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) that was used in this document.

CCa-2 Many members of the NMCGA are also BLM permittees in the Taos area. Although they will be affected by the changes proposed in this draft EIS, they did not receive a copy of the document. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important. I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process.

CCa-3 The NMCGA is strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. The NMCGA supports Alternative 1, Current Management.

CCa-4 This EIS process seems to be going backwards in this instance and therefore indicates non-compliance with the National Environmental Policy Act. Many of the riparian areas have already been fenced off, eliminating access by livestock, due to an agreement reached by the BLM director and environmental groups. Why is the analysis being conducted now, after the fencing has already taken place? Since Alternative 3 in the draft EIS focuses on fencing livestock off of riparian areas, why is this not considered in more detail?

CCa-5 The NMCGA can see and concurs with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is

**Response to CCa-1:**

This comment reflects an opinion; thank you for your comment.

**Response to CCa-2:**

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to CCa-3:**

Thank you for your comment; your support for Alternative 1 is noted.

**Response to CCa-4:**

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to CCa-5:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

CCa-5 (cont.) already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

CCa-6 Additionally, when management has one single focus, rather than being balanced, conflicts can develop. For example, the draft EIS discusses the need to treat invasive weeds, including salt cedar, to improve riparian health. However, the document also states that the southwestern willow flycatcher nests in salt cedar. How will this conflict be resolved? We do have some additional, specific concerns, which are documented below.

CCa-7 One of the reasons cited for the focus on riparian management, rather than continuing to manage for different goals, is a lack of funding. If there is not enough money to manage with a balanced approach, where will the money come from to focus on riparian management?

CCa-8 1. The use of the Clean Water Action Plan (CWAP) as a guide for the quality of watersheds in the state is inappropriate and in violation of NEPA. The CWAP is a significant Federal action that requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy. NMCGA is a co-plaintiff in this lawsuit.

CCa-9 2. We question the presumptions that you made in the socioeconomic sections of this draft EIS that any Alternative will not have a direct impact on any economics of this area. You are not taking into account the economic impacts to individual producers. Livestock production in the Taos Field Office may only make up .1 percent of the state total, but what portion of the local economy is impacted? Given that some half of the state's population is concentrated in Albuquerque, use of a statewide impact is no more than poorly veiled subterfuge. What difference do statewide numbers make to the producer that is put out of business when his BLM permit is cut? The Socioeconomic Analysis has no value in determining the effects of the proposed action on the citizens within the Taos Field Office, which is the whole goal of the analysis, because it only uses statewide totals. Why would you not look at the effects to individuals in your office as well as to rural communities and other rural families impacted? Would that not be the best way to analyze the socioeconomic effects of this action?

CCa-10 3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

CCa-11 4. Section 4.1.1 of the draft EIS addresses grazing. The NMCGA does not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. We feel that today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

CCa-12 5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife's access to riparian areas have been denied. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees to help them better manage these areas?

CCa-13 6. Why has the damage caused by elk or other wildlife to these riparian areas not been

**Response to CCa-6**:

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. In areas that contain potential southwestern willow flycatcher habitat, saltcedar (or other exotic species) would be removed only as native species become established so that no net loss of habitat would occur.

**Response to CCa-7**:

Funding issues did not drive the need to develop riparian and aquatic HMPs. As stated in the DEIS, improving riparian habitat has and continues to be a BLM management goal. While developing budget priorities continues to be a challenge for public and private organizations, the BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

**Response to CCa-8**:

The Clean Water Action Plan (CWAP) contains publicly available data and technical monitoring information that was referenced in the DEIS. The use of these data to characterize the general condition of New Mexico watersheds gives the reader the most current technical information available.

**Response to CCa-9**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to CCa-10**:

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

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**Response to CCa-11:**

The BLM acknowledges that livestock grazing has occurred for many years on the majority of BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to CCa-12:**

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

**Response to CCa-13:**

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock also are set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

CCa-13 (cont.) mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

CCa-14 7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area they are likely to be enormous

CCa-15 8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Caren Cowan
Executive Secretary

Cc: New Mexico Congressional Delegation
Governor Gary Johnson
Lt. Governor Walter Bradley
Michelle Chavez, State BLM Director

**Response to CCa-14**:

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to CCa-15**:

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

Public Comment <swcbd@sw-center.org> on 01/10/2000 01:18:59 PM

To: gls@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat

---

Name: Jim Dawson
Address: 880 Division St. NW
City: Olympia
State: WA
Zip: 98502
Phone: 360-705-9812
Subject: Comments for DEIS for Riparian and Aquatic Habitat
Comments: Please accept my comments below regarding the management of riparian and
aquatic habitats described in the Draft Environmental Impact Statement.
The DEIS states that most of the riparian areas are in a degraded condition
and will only receive little improvement by the preferred alternative. The
main reason for the degradation of these areas is cattle grazing. Our
JD-1 precious riparian and aquatic habitats are being destroyed by a handful of
ranchers with the blessing of the BLM. This needs to stop.
Select alternative three which will result in the removal of livestock from
all these areas and provide the quickest and most beneficial recovery.
This is the very least the Federal Government can do. I firmly believe all
commercial grazing,
logging, mining, and other destructive activities need to be ended immediately
on all Federal
public lands. While I understand the importance of many of these resources to
JD-2 our nation.
The misuse and abuse that has occurred in the past century warrants an end to
all of these
destructive policies. The stability of our economy and way of life depend on
it.

Remote_Addr: 216.174.207.201
HTTP_User_Agent: Mozilla/4.7 [en] (Win95; I)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to JD-1**:

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc. 1.

**Response to JD-2**:

The comment is nonspecific; thank you for your comment.

REC'D JAN 1 2 2000

January 10, 2000

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Attention: Pam Herrera, Project Leader

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT IN THE TAOS FIELD OFFICE

TH-1 Thank you for the opportunity to comment on the subject Draft Environmental Impact Statement. As a member of the Sandia Jeep Club, a Santa Fe-based organization promoting the responsible use of four-wheel drive vehicles, I am deeply concerned about the management direction this document promotes. I do not believe that the BLM should place riparian habitat protection above all other needs when managing our public lands. The BLM should instead manage the land to best meet the needs of all users, emphasizing balanced multiple use objectives as it has in the past. Where uses conflict, an effort should first be made to seek effective mitigating measures rather than to summarily exclude one use in favor of another or identify one use as universally more important than another.

TH-2 I support your current program, expressed as Alternative 1, because it provides a more balanced approach to resolving management issues. Alternative 2 places riparian habitat protection above all other uses, which is wrong. Alternative 3 would summarily exclude all cattle grazing in riparian areas, which is also wrong because it provides no allowance for mitigating measures and site-specific conditions.

I strongly urge you to abandon Alternative 2 and adopt Alternative 1 as your preferred approach to protecting riparian areas.

Sincerely,

TIM HODGKINS
ROUTE 5, BOX 261-C
SANTA FE, NM
87501

**Response to TH-1:**

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to TH-2:**

Thank you for your comment. Your support for Alternative 1 is noted.

**New Mexico Wool Growers, Inc.**
2231 Rio Grande NW - P.O. Box 7520
Albuquerque, NM 87194
Phone: (505) 247-0584 - FAX: (505) 842-1766

*Sustainable Agriculture*
*Protecting The Environment*
*& All Its Creatures*

January 10, 2000

REC'D JAN 1 3 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

On behalf of the New Mexico Wool Growers, Inc., (NMWGI) and its membership, I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS).

RLM-1 First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) that was used in this document.

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RLM-3 The NMWGI is strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. We support Alternative 1, Current Management.

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**Response to RLM-1**:

This comment reflects an opinion; thank you for your comment.

**Response to RLM-2**:

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to RLM-3**:

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to RLM-4**:

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

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**Response to RLM-7**:

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None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to RLM-10**:

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

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**Response to RLM-11**:

The BLM acknowledges that livestock grazing has occurred for many years on the majority of BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to RLM-12**:

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

**Response to RLM-13**:

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

RLM-13 (cont.)

mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

RLM-14

7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area they are likely to be enormous

RLM-15

8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Ron L. Merritt, Jr.
President

Cc: New Mexico Congressional Delegation
Governor Gary Johnson
Lt. Governor Walter Bradley
Michelle Chavez, State BLM Director

**Response to RLM-14:**

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to RLM-15:**

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

Public Comment <swcbd@sw-center.org> on 01/10/2000 02:41:13 PM

To: gis@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat

---

Name: Debra Patla
Address: P.O. Box 230
City: Victor
State: ID
Zip: 83455
Phone: 208-787-2962
Subject: Comments for DEIS for Riparian and Aquatic Habitat

DP-1

Comments: Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement. The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of the BLM. This needs to stop. Select alternative three which will result in the removal of livestock from all these areas and provide the quickest and most beneficial recovery.

In Idaho, I have seen recovery of areas after livestock grazing was discontinued.
This is the best thing we can do to recover stream and stream-side habitats.

DP-2

Your DEIS should also consider amphbians and reptiles that depend on wetlands and riparian areas.

Debra Patla

Remote_Addr: 208.141.161.179
HTTP_User_Agent: Mozilla/4.61 [en] (Win95; I)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to DP-1:**

The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Generally, yearlong grazing is only suitable where there are a variety of plants, a minimum of steep terrain, numerous watering points, and proper stocking. Grazing in riparian areas is subject to monitoring to determine whether riparian health is being maintained. Where grazing is contributing to resource degradation, the BLM will take action to modify management of the allotment. A body of scientific literature is available that documents the effects of livestock grazing on riparian areas. In addition to livestock grazing, the DEIS discussed other factors that may contribute to riparian degradation. Your support for Alternative 3 is noted; see response to Misc.1.

**Response to DP-2:**

The Riparian and Aquatic HMP recognizes wildlife and wildlife habitat, including habitat for amphibians and reptiles, as an integral part of public land health.

REC'D JAN 1 3 2000

January 10

Pam Herrera
Project Leader, BLM
Taos Field Office
226 Cruz Alta Rd
Taos, NM 87571

Dear Pam Herrera

ER-1

I understand the BLM is now considering new management alternatives. The land under which this new alternatives impact include over 15,000 acres of riparian and aquatic habitat which is a scarce ecosystem in New Mexico. In the past grazing management in these areas gave little or no concern to the condition of habitats. Now we realize their importance in maintaining a balanced healthy environment. It is now time to start programs that directly address the recovery of riparian and aquatic habitats. It is now time to start on a new path of public land management. The adverse impacts of grazing must be acknowledged. Even in your own DEIS you admit the degraded condition of these ecosystems and you know the cause, it is over grazing. In the past you assumed that grazing cattle is the only use of the land. You assumed there were no other benefits. Now we know this is not true. Such a philosophy is a very narrow, selfish, and closed minded. Your preferred alternative does nothing to address the recovery of riparian and aquatic habitat. I want you to select alternative 3 as the most beneficial alternative in regards to riparian and aquatic habitat. I do not want my public lands degraded any more by the cattle industry. As of now these riparian and aquatic lands have only one use and that is to water cattle. I thought you were suppose to manage for multiple use. I want you to select alternative 3.

Sincerely

Eric Rechel

Eric Rechel
2890 Seely Rd
Grand Junction CO 81503

**Response to ER-1:**

The BLM acknowledges that livestock grazing has occurred for many years on the majority of the BLM public land, most of which is in sustainable condition. Grazing in riparian areas is subject to monitoring to determine whether riparian health is being maintained. Where grazing is contributing to resource degradation, the BLM will take action to modify management of the allotment.

**Public Comment <swcbd@sw-center.org> on 01/10/2000 02:22:47 PM**

To: gls@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat

---

Name: Christina Wulf
Address: 344 / #2 Pine Ave.
City: Waynesboro
State: VA
Zip: 22980
Phone: 540-942-1887
Subject: Comments for DEIS for Riparian and Aquatic Habitat

CW-1 Comments: Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement. The DEIS states that most of the riparian areas are in a degraded condition and will only receive little improvement by the preferred alternative. The main reason for the degradation of these areas is cattle grazing. Our precious riparian and aquatic habitats are being destroyed by a handful of ranchers with the blessing of the BLM. This needs to stop.
America's public lands belong to all citizens,
not to a relatively few ranchers, loggers, miners, etc. whose private profite
interest
has, for the past century, been given precedence over the ecological benefits provided by intact ecosystems to all humans. As a nation, our values have changed and it is time to get private corporate interests off public lands.

CW-2 That
means an end to commercial extraction of all kinds -- from cows to chainsaws to mining drills.

CW-3 Select alternative three which will result in the removal of livestock from all these areas and provide the quickest and most beneficial recovery.

Sincerely,
Christina Wulf

Remote_Addr: 216.174.7.12
HTTP_User_Agent: Mozilla/4.04 [en] (Win95; I)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to CW-1**:

The BLM acknowledges that livestock grazing has occurred for many years on the majority of the public land. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Grazing in riparian areas is subject to monitoring to determine whether riparian health is being maintained. Where grazing is contributing to resource degradation, the BLM will take action to modify management of the allotment.

**Response to CW-2**:

The BLM recognizes that economic, social, and cultural elements are integral components of public land management. The HMP reflects the BLM's intent to promote harmony among the multiple users who depend on the BLM land and its natural resources.

**Response to CW-3**:

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

JAN 18 2000

DIAMOND RASH GORDON & JACKSON, P.C.
ATTORNEYS AT LAW
300 EAST MAIN STREET
SEVENTH FLOOR
EL PASO, TEXAS 79901-1379

TOM DIAMOND
ALAN V. RASH
NORMAN J. GORDON*
RONALD L. JACKSON
JOHN R. BATOON
ROBERT J. TRUHILL
RUSSELL O. LEACHMAN**

*BOARD CERTIFIED - CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
**BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

TELEPHONE
(915) 533-2277

FAX (915) 545-4623

January 11, 2000

Pam Herrera
Project Leader
BLM - Taos Field Office
226 Cruz Alta Rd.
Taos NM 87571

Re: DEIS for Riparian and Aquatic Habitat Management

Dear Project Leader Herrera:

TD-1 I am writing to urge continued responsible multiple use of BLM lands. The radical environmental movement, if they had their way, would put the whole state of New Mexico in the deep freeze and totally ignore the immense impact their activities have on the culture and economic well-being of the state of New Mexico and the entire nation by pursuing their fantasies. If they had their way, they would do to our country what the communists empire of Russia was unable to do - bring us to our knees.

I am confident that the BLM will stick with sound realistic management practices and not knuckle under to the political pressure of radical extremists.

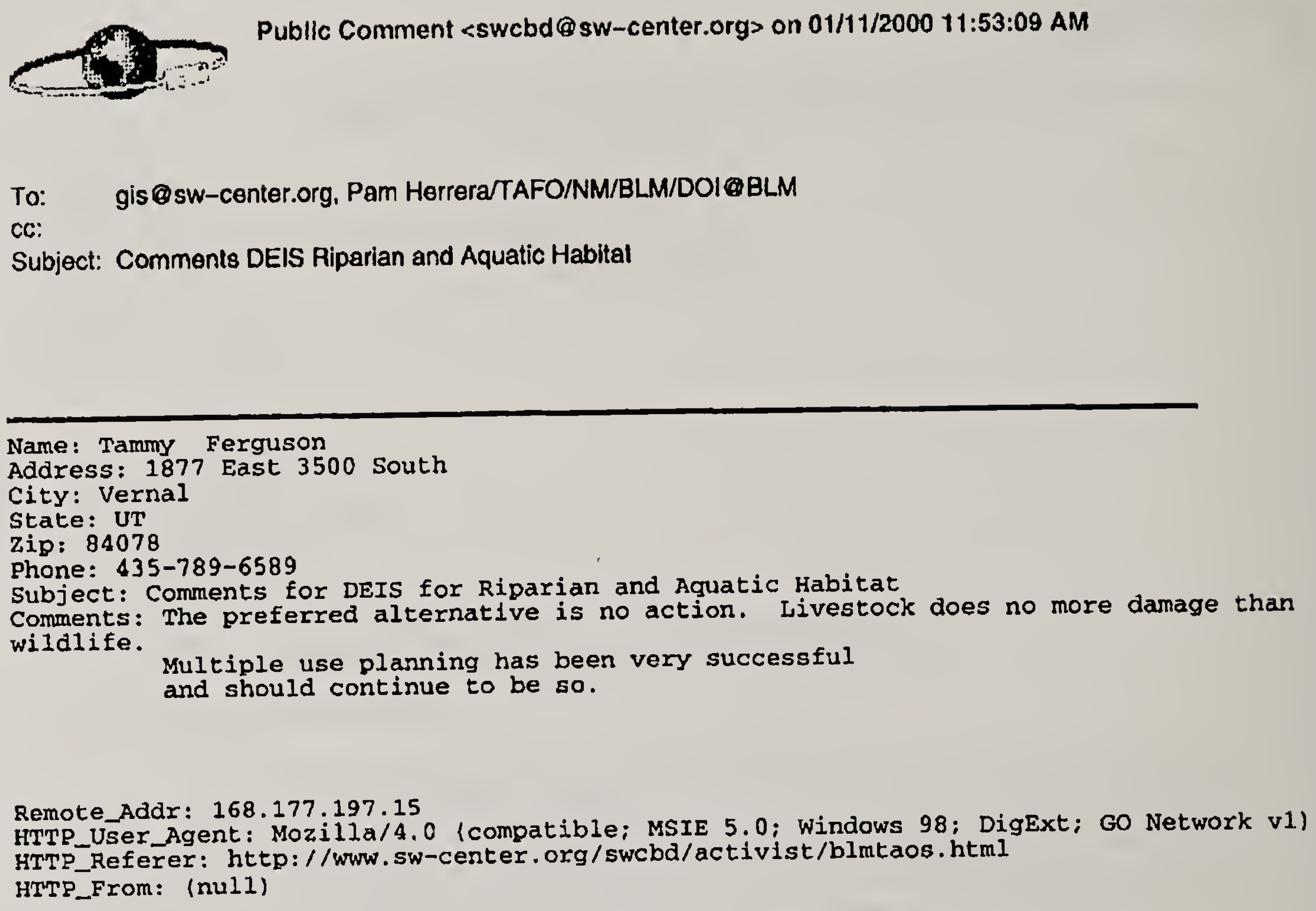
Sincerely,

TOM DIAMOND

TD:isb

**Response to TD-1:**

The comment reflects an opinion; thank you for your comment.



Public Comment <swcbd@sw-center.org> on 01/11/2000 11:53:09 AM

To: gis@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat

---

Name: Tammy Ferguson
Address: 1877 East 3500 South
City: Vernal
State: UT
Zip: 84078
Phone: 435-789-6589
Subject: Comments for DEIS for Riparian and Aquatic Habitat

TF-1 Comments: The preferred alternative is no action. Livestock does no more damage than wildlife.
Multiple use planning has been very successful and should continue to be so.

Remote_Addr: 168.177.197.15
HTTP_User_Agent: Mozilla/4.0 (compatible; MSIE 5.0; Windows 98; DigExt; GO Network v1)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to TF-1:**

Thank you for your comment; your support for Alternative 1 is noted.

NMSUCES/AES ID:5058522857 JAN 12'00 7:08 No.001 P.02

**NORTHERN NEW MEXICO STOCKMAN'S ASSOCIATION**
**P. O. Box 470 Ranchos de Taos, NM 87557**
**Francisco Vigil, President**

January 11, 2000

Ms. Pam Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, NM 87571

RE: Comments on the Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office.

Dear Ms. Herrera:

Please accept these comments on the draft Environmental Impact Statement (EIS) for Riparian and Aquatic Habitat Management in the Taos Field Office on behalf of the membership of the Northern New Mexico Stockman's Association (NNMSA).

FEV-1 As of this date, I and many of the members of the NNMSA, have not received a copy of the draft EIS nor were we informed of the Public Hearing on the draft EIS that was held on November 15, 1999 in the Taos Filed Office. I was informed of this document and the deadline for response on January 9, 2000 at our NNMSA Annual Conference by the New Mexico Cattle Growers Association. This action may have been an oversight on your or the BLM's part, but this lack of communication sends mixed messages to the BLM permittees of Northern New Mexico for their input into the management of our resource and the economic importance of this resource to the viability of our local communities. Because of this injustice, we would like to request a 60-day extension of the comment period to allow all permittees a chance to participate in the process.

After briefly reviewing a borrowed copy of the EIS draft with members of the NNMSA, we submit the following comments:

FEV-2 A. The NNMSA strongly opposes the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees in the Taos Management area. The NNMSA supports Alternative 1, Current Management.

FEV-3 B. After reviewing Alternative 3, we believe the BLM has already implemented this Alternative without due process of the NEPA. Most, if not all riparian areas in the Taos Management area have already been fenced off this past year due to an agreement reached by the BLM Director and environmental groups. Why is this analysis being conducted now, after the fencing has already taken place?

**Response to FEV-1:**

The BLM intended to provide all BLM permittees within the Taos Field Office area with a copy of the DEIS. However, because of an oversight, some permittees did not receive the document in the appropriate time period. The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to FEV-2:**

Thank you for your comment; your support for Alternative 1 is noted.

**Response to FEV-3:**

It is the intent of the BLM to improve the health of the land, not to stop livestock grazing on public lands or to put anyone out of business. The BLM has not committed to a management strategy or alternative for the HMP on the basis of the requests of one or a few organizations or members of the public. Any fencing operations or changes in grazing management within individual allotments prior to the development of this document have been the subject of previous NEPA actions (e.g., environmental assessments). The BLM has coordinated these actions with permittees. Some of the riparian areas may have been fenced to protect endangered species (e.g., the southwestern willow flycatcher). Laws such as the ESA are not overridden by the FLPMA.

NMSUCES/AES ID:5058522857 JAN 12'00 7:09 No.001 P.03

FEV-4 C. The NNMSA question the assumptions made in the socioeconomic sections of the draft EIS that any Alternative would not have a direct impact on any economics in the area. We question the current validity of this section since reference is made to studies conducted in 1986 and 1990 and these not being from the target study area. Through these studies, you are also not taking into account the economic impact to the individual producers. Livestock production in the Taos Management area may only be .1 - 1.4 % of the state total, but what about the individual producer who relies on his/her small herd to feed their family and has their permit cut and/or be put out of business? Does this still constitute "a small adverse affect" on the individual permittee and his/her family?

FEV-5 D. The draft EIS addresses grazing in Section 4.1.1. We do not disagree that overgrazing did not occur historically, but we feel that today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past. The draft EIS leads one to believe this practice continues and the NNMSA questions the validity and bias of the literature cited.

FEV-6 E. The NNMSA could not find in the draft EIS a section dealing with damage caused by elk and other wildlife to riparian areas. Why was this problem not mentioned or addressed in this draft? How can riparian areas be improved if problems will continue to occur even after you have fenced the livestock out? Will hunting, camping and fishing still be allowed in these areas?

FEV-7 F. Since much of the riparian area has already been fenced, we are concerned about alternative water sources. The draft EIS states that alternative water sources will be provided in areas where livestock access to riparian areas have been denied. Who will pay for these wells or tanks?

Thank you for considering our comments.

Sincerely,

Francisco E. Vigil

Francisco E. Vigil
President, NNMSA

Cc: New Mexico Congressional Delegation
Governor Gary Johnson
Lt. Governor Walter Bradley
Michelle Chavez, State BLM Director

**Response to FEV-4:**

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within the allotments that contain riparian habitats. Thus, there is no need to develop a detailed analysis of potential economic impacts.

**Response to FEV-5:**

The BLM acknowledges that livestock grazing has occurred for many years on the majority of BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discusses other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to FEV-6:**

During the PFC surveys and monitoring actions that are described in the HMP (Volume 2 of this FEIS), the BLM will seek to collect more information on elk use in the riparian areas. If required, elk management actions will be implemented. The primary objective of riparian habitat management does not exclude secondary objectives such as recreation management. Hunting, fishing, and camping will be allowed in riparian areas as long as these uses do not conflict with riparian habitat management or protection of endangered species (e.g., the southwestern willow flycatcher).

**Response to FEV-7:**

When necessary, the BLM provides alternative watering sources when an existing base water source is fenced to exclude its use. For example, a spring box, pipeline, and water trough system is used to provide a water source away from a fenced spring area.

Public Comment <swcbd@sw-center.org> on 01/11/2000 07:19:28 PM

To: gis@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat: Taos Field Office

---

Name: Dick Young
Address: P.O. Box 591
City: Glenbrook
State: NV
Zip: 89413
Phone: (775) 749-5545
Subject: Comments for DEIS for Riparian and Aquatic Habitat: Taos Field Office
Comments: Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

DY-1 "No change" is my request for this important land. Public lands must be maintained for the benefit of multiple users. Cattle grazing is an important part of BLM stewardship responsibilities. Cattle grazing benefits the county tax base, offers a reasonable employment to the rancher and, suitably controlled, is actually a benefit to the land itself.

Please accept my comments as recommending "No Change" to the existing plan.

Thank you for accepting my comments.

Dick Young

Remote_Addr: 63.24.41.48
HTTP_User_Agent: Mozilla/4.7 [en] (Win98; U)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to DY-1:**

Thank you for your comment. Your support for Alternative 1 is noted.

Jimmy R. Bason
St. Rt. 2, Box 88
Hillsboro, NM 88042

REC'D JAN 1 3 2000

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

JRB-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

JRB-2 I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process. Many BLM permittees in the Taos area have not received copies of the draft EIS although they will be affected by the proposed changes. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important.

JRB-3 I am strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. I support Alternative 1, Current Management.

JRB-4 This EIS process seems to be going backwards in this instance and therefore indicates non-compliance with the National Environmental Policy Act. Many of the riparian areas have already been fenced off, eliminating access by livestock, due to an agreement reached by the BLM director and environmental groups. Why is the analysis being conducted now, after the fencing has already taken place? Since Alternative 3 in the draft EIS focuses on fencing livestock off of riparian areas, why is this not considered in more detail?

JRB-5 I see and concur with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

JRB-6 Additionally, when management has one single focus, rather than being balanced, conflicts can develop. For example, the draft EIS discusses the need to treat invasive weeds, including salt cedar, to improve riparian health. However, the document also states that the southwestern willow flycatcher nests in salt cedar. How will this conflict be resolved? We do have some additional, specific concerns, which are documented below.

JRB-7 One of the reasons cited for the focus on riparian management, rather than continuing to manage for different goals, is a lack of funding. If there is not enough money to manage with a balanced approach, where will the money come from to focus on riparian management?

JRB-8
1. The use of the Clean Water Action Plan (CWAP) as a guide for the quality of watersheds in the state is inappropriate and in violation of NEPA. The CWAP is a significant Federal action that

**Response to JRB-1**:

This comment reflects an opinion; thank you for your comment.

**Response to JRB-2**:

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to JRB-3**:

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to JRB-4**:

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to JRB-5**:

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to JRB-6**:

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. In areas that contain potential southwestern willow flycatcher habitat, saltcedar (or other exotic species) would be removed only as native species become established so that no net loss of habitat would occur.

**Response to JRB-7**:

Funding issues did not drive the need to develop riparian and aquatic HMPs. As stated in the DEIS, improving riparian habitat has and continues to be a BLM management goal. While developing budget priorities continues to be a challenge for public and private organizations, the BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

[This page intentionally left blank.]

**Response to JRB-8**:

The CWAP contains publicly available data and technical monitoring information that was referenced in the DEIS. The use of these data to characterize the general condition of New Mexico watersheds gives the reader the most current technical information available.

JRB-8 (cont.)

requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy.

JRB-9

2. I also question the presumptions that you made in the socioeconomic sections of this draft EIS that any Alternative will not have a direct impact on any economics of this area. You are not taking into account the economic impacts to individual producers. Livestock production in the Taos Field Office may only make up .1 percent of the state total, but what portion of the local economy is impacted? What difference do statewide numbers make to the producer that is put out of business when his BLM permit is cut? The Socioeconomic Analysis has no value in determining the effects of the proposed action on the citizens within the Taos Field Office, which is the whole goal of the analysis, because it only uses statewide totals. Why would you not look at the effects to individuals in your office as well as to rural communities and other rural families impacted? Would that not be the best way to analyze the socioeconomic effects of this action?

JRB-10

3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

JRB-11

4. Section 4.1.1 of the draft EIS addresses grazing. I do not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. Today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

JRB-12

5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

JRB-13

6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

JRB-14

7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

JRB-15

8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Jimmy L Bason

Jimmy Bason

**Response to JRB-9**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to JRB-10**:

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiate between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

**Response to JRB-11**:

The BLM acknowledges that livestock grazing has occurred for many years on the majority of BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to JRB-12**:

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

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**Response to JRB-13**:

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to JRB-14**:

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to JRB-15**:

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

**Public Comment <swcbd@sw-center.org> on 01/12/2000 01:00:39 PM**

To: gls@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat: Taos Field Office

---

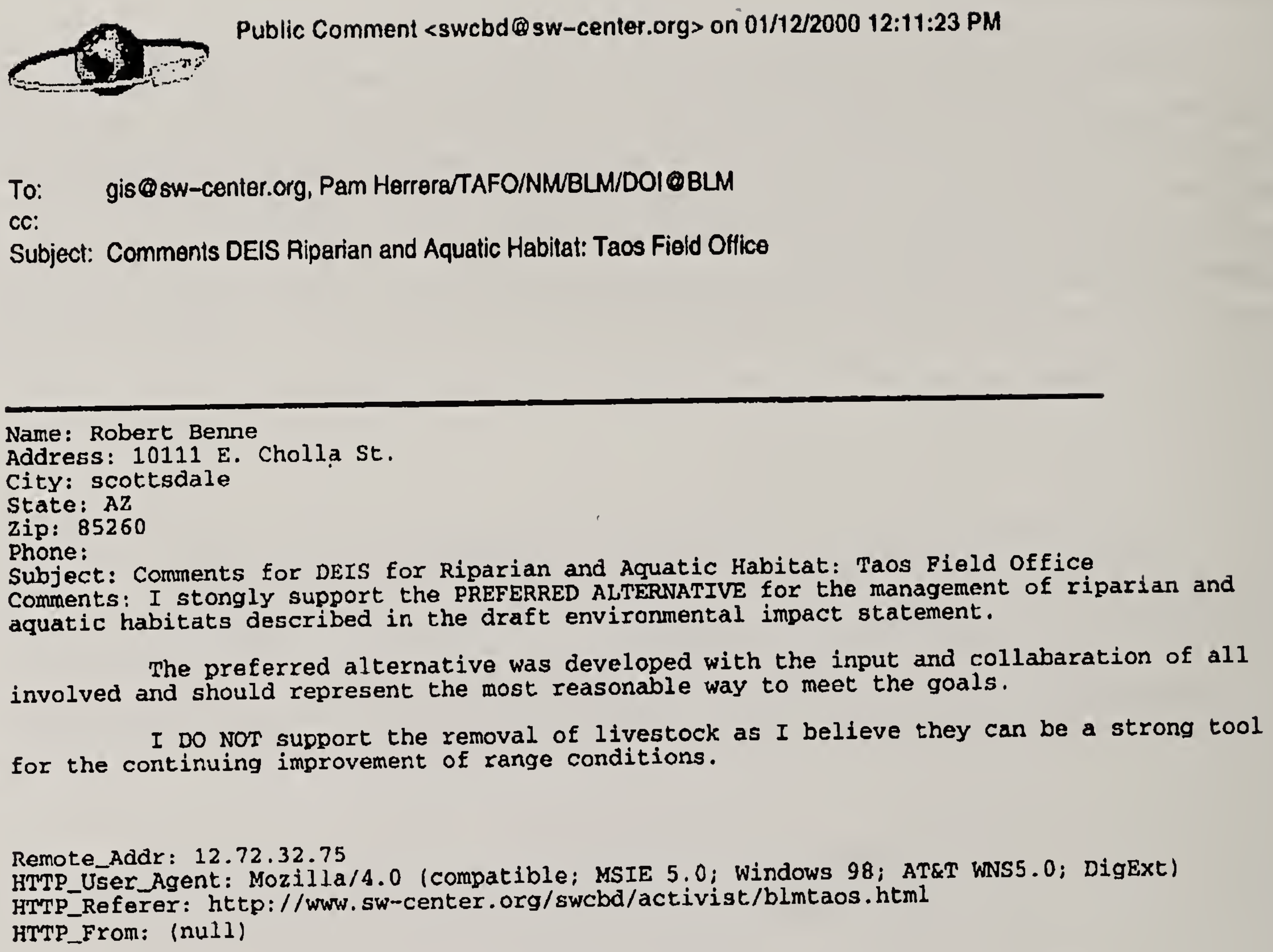
Name: Ty Bays
Address: P. O. Box 2982
City: Silver City
State: NM
Zip: 88062
Phone:
Subject: Comments for DEIS for Riparian and Aquatic Habitat: Taos Field Office
Comments: Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

TB-1 Livestock grazing and logging have occured for over 100 years in NM and I hope that these activities continue for the next 100 years. Contrary to the radical environmentalist claims wildlife have coexisted quite well with these activities, otherwise they would have all vanished some time ago. Natural resource use in NM is part of our heritage and history, as well as an important economic factor in our State. Please continue to allow multiple use of our public lands for New Mexicans and our wildife as well. Please use sound scientific data to manage our wildlife instead of the misleading information put out by many of the radical environmental extremist.

Remote_Addr: 198.176.208.42
HTTP_User_Agent: Mozilla/4.0 (compatible; MSIE 4.01; Windows NT)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to TB-1:**

The intent of riparian management is to ensure that current and future uses of these public lands do not compromise the productivity of the land and associated resources. The BLM recognizes that economic, social, and cultural elements are integral components of public land management. The HMP included in the FEIS reflects BLM's intent to promote harmony among the multiple users (e.g., ranchers and recreationists) who depend on the BLM land and its natural resources. However, when it comes to species protected by the ESA, focus on a single species may be required. These laws require the BLM to take specific actions to protect the environment, and these laws are not overridden by the FLPMA.



Public Comment <swcbd@sw-center.org> on 01/12/2000 12:11:23 PM

To: gis@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat: Taos Field Office

---

Name: Robert Benne
Address: 10111 E. Cholla St.
City: scottsdale
State: AZ
Zip: 85260
Phone:
Subject: Comments for DEIS for Riparian and Aquatic Habitat: Taos Field Office
Comments: I stongly support the PREFERRED ALTERNATIVE for the management of riparian and aquatic habitats described in the draft environmental impact statement.

RB-1

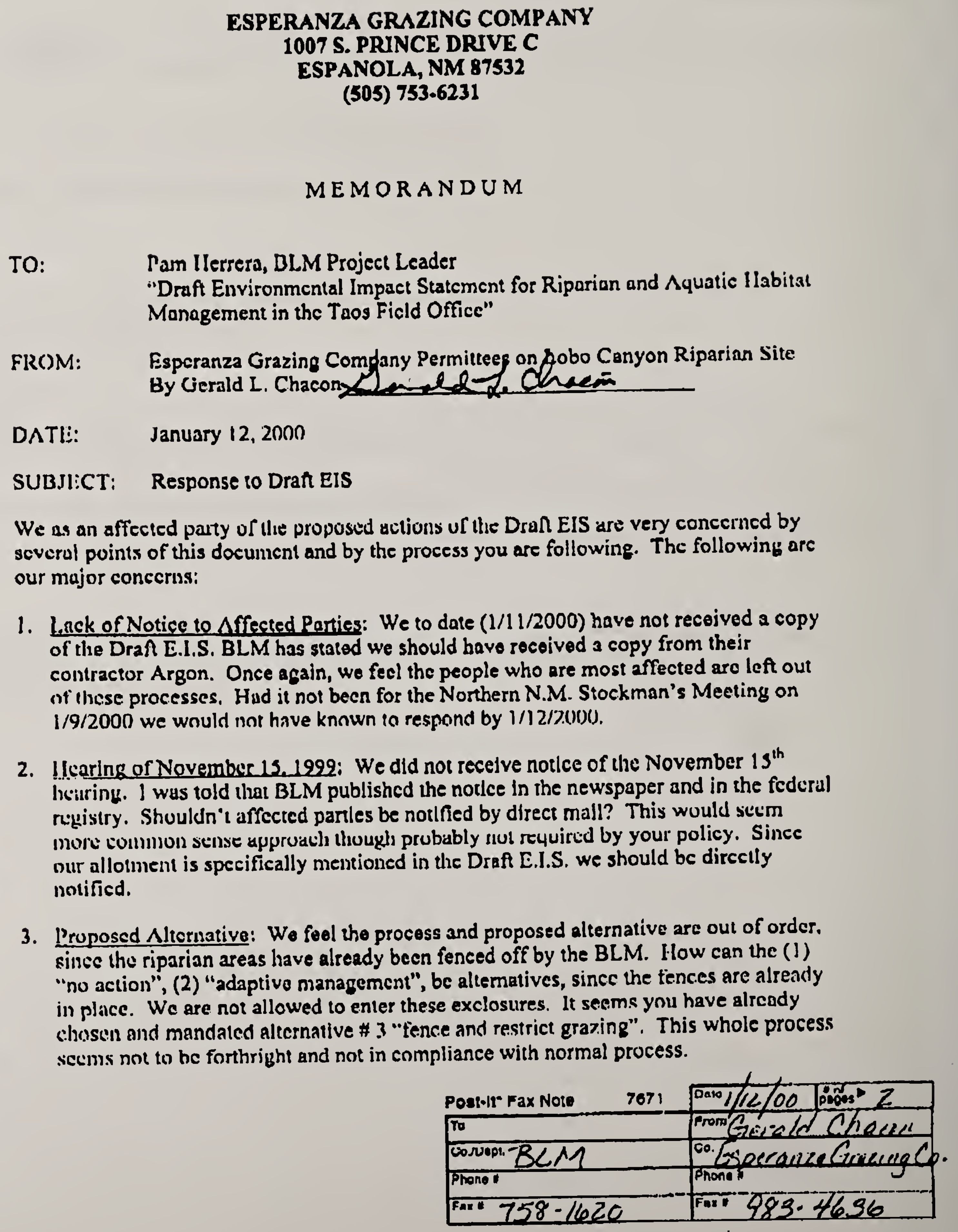
The preferred alternative was developed with the input and collabaration of all involved and should represent the most reasonable way to meet the goals.

I DO NOT support the removal of livestock as I believe they can be a strong tool for the continuing improvement of range conditions.

Remote_Addr: 12.72.32.75
HTTP_User_Agent: Mozilla/4.0 (compatible; MSIE 5.0; Windows 98; AT&T WNS5.0; DigExt)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to RB-1:**

Thank you for your comment; your support for Alternative 2 is noted.



ESPERANZA GRAZING COMPANY
1007 S. PRINCE DRIVE C
ESPANOLA, NM 87532
(505) 753-6231

## MEMORANDUM

TO: Pam Herrera, BLM Project Leader
"Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office"

FROM: Esperanza Grazing Company Permittees on Lobo Canyon Riparian Site
By Gerald L. Chacon Gerald L. Chacon

DATE: January 12, 2000

SUBJECT: Response to Draft EIS

We as an affected party of the proposed actions of the Draft EIS are very concerned by several points of this document and by the process you are following. The following are our major concerns:

GLC-1

1. Lack of Notice to Affected Parties: We to date (1/11/2000) have not received a copy of the Draft E.I.S. BLM has stated we should have received a copy from their contractor Argon. Once again, we feel the people who are most affected are left out of these processes. Had it not been for the Northern N.M. Stockman's Meeting on 1/9/2000 we would not have known to respond by 1/12/2000.

GLC-2

2. Hearing of November 15, 1999: We did not receive notice of the November 15th hearing. I was told that BLM published the notice in the newspaper and in the federal registry. Shouldn't affected parties be notified by direct mail? This would seem more common sense approach though probably not required by your policy. Since our allotment is specifically mentioned in the Draft E.I.S. we should be directly notified.

GLC-3

3. Proposed Alternative: We feel the process and proposed alternative are out of order, since the riparian areas have already been fenced off by the BLM. How can the (1) "no action", (2) "adaptive management", be alternatives, since the fences are already in place. We are not allowed to enter these exclosures. It seems you have already chosen and mandated alternative # 3 "fence and restrict grazing". This whole process seems not to be forthright and not in compliance with normal process.

| Post-it® Fax Note 7671 | Date 1/12/00 # of pages ▶ 2 |
|---|---|
| To | From Gerald Chacon |
| Co./Dept. BLM | Co. Esperanza Grazing Co. |
| Phone # | Phone # |
| Fax # 758-1620 | Fax # 983-4636 |

**Response to GLC-1:**

The BLM intended to provide all BLM permittees within the Taos Field Office area with a copy of the DEIS. However, because of an oversight, some permittees did not receive the document in the appropriate time period. The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to GLC-2:**

The BLM issued several public notices of all public meetings and comment periods, posted future meeting dates and comment periods on the BLM web site, and provided an EIS schedule (that included public comment periods) at the public scoping meetings. The Taos Field Office has sent copies of the DEIS to all potentially affected allotment permittees and extended the comment period by 30 days to ensure an opportunity for public participation and comment on the DEIS.

**Response to GLC-3:**

It is the intent of the BLM to improve the health of the land, not to stop livestock grazing on the public lands or to put anyone out of business. The BLM has not committed to a management strategy or alternative for the HMP on the basis of the requests of one or a few organizations or members of the public. Any fencing operations or changes in grazing management within individual allotments prior to the development of this document have been the subject of previous NEPA actions (e.g., EAs). The BLM has coordinated these actions with permittees. Some of the riparian areas may have been fenced to protect endangered species (e.g., the southwestern willow flycatcher). Laws such as the ESA are not overridden by the FLPMA.

GLC-4 4. Research Quotes: You site several individual opinions of grazing impacts to riparian areas. These individuals reflect only the one side's opinion. There is very little scientifically peer reviewed literature that proves or disproves grazings affect to riparian areas or on grazings affect to any one species. Some recent research shows grazing impacts to be "Inconclusive". (Rinne 1999). We also question your statement of "conventional wisdom" when evaluating livestock grazing in riparian areas. Shouldn't research be used not "conventional wisdom".

GLC-5 5. Economic Impacts: Your identification and finding of little or no economic impact when you evaluate the affected allotments to the total economic value of the entire states livestock industry is not valid. Impacts to the individual family's economics and their communities would be much more appropriate. Your logic in finding no impact would be like saying the town of Taos has little economic impact when compared to the state of New Mexico so we should disallow any business operating license there, because they might affect endangered species.

GLC-6 6. Preferred Alternatives: Because of the economic impacts to individual permittees, developing grazing with the current plan is preferred. Since every riparian area has very different geographic topographic and environmental attributes each should be considered individually.

I hope you take seriously our recommendation for direct mail notices to the affected allotment's permittees. We are anxious to resolve this issue and are most interested in fairness and decisions that consider the best available science and the human dimension.

**Response to GLC-4:**

The scientific literature documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation. Grazing in riparian areas is subject to monitoring to determine whether riparian health is being maintained. Where grazing is contributing to resource degradation, the BLM will take action to modify management of the allotment. The BLM assumes that the reference to "conventional wisdom" refers to the development of Alternative 3, Grazing Management, which addresses a substantial amount of public input and issue identification received by the BLM during the scoping process.

**Response to GLC-5:**

It is the intent of the BLM to improve the health of the land, not to stop livestock grazing on public lands or to put anyone out of business. In addition, none of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to GLC-6:**

To provide mitigation and to ensure the least impact possible, grazing programs will be developed in careful and considered consultation, coordination, and cooperation with the permittees, lessees, and other designated parties.

REC'D JAN 13 2000

Caren Cowan
3821 Don Juan Court, NW
Albuquerque, NM 87107

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

CCb-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

CCb-2 I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process. Many BLM permittees in the Taos area have not received copies of the draft EIS although they will be affected by the proposed changes. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important.

CCb-3 I am strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. I support Alternative 1, Current Management.

CCb-4 This EIS process seems to be going backwards in this instance and therefore indicates non-compliance with the National Environmental Policy Act. Many of the riparian areas have already been fenced off, eliminating access by livestock, due to an agreement reached by the BLM director and environmental groups. Why is the analysis being conducted now, after the fencing has already taken place? Since Alternative 3 in the draft EIS focuses on fencing livestock off of riparian areas, why is this not considered in more detail?

CCb-5 I see and concur with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

CCb-6 Additionally, when management has one single focus, rather than being balanced, conflicts can develop. For example, the draft EIS discusses the need to treat invasive weeds, including salt cedar, to improve riparian health. However, the document also states that the southwestern willow flycatcher nests in salt cedar. How will this conflict be resolved? We do have some additional, specific concerns, which are documented below.

CCb-7 One of the reasons cited for the focus on riparian management, rather than continuing to manage for different goals, is a lack of funding. If there is not enough money to manage with a balanced approach, where will the money come from to focus on riparian management?

CCb-8
1. The use of the Clean Water Action Plan (CWAP) as a guide for the quality of watersheds in the state is inappropriate and in violation of NEPA. The CWAP is a significant Federal action that

**Response to CCb-1**:

This comment reflects an opinion; thank you for your comment.

**Response to CCb-2**:

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to CCb-3**:

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to CCb-4**:

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to CCb-5**:

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to CCb-6**:

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. In areas that contain potential southwestern willow flycatcher habitat, saltcedar (or other exotic species) would be removed only as native species become established so that no net loss of habitat would occur.

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Funding issues did not drive the need to develop riparian and aquatic HMPs. As stated in the DEIS, improving riparian habitat has and continues to be a BLM management goal. While developing budget priorities continues to be a challenge for public and private organizations, the BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

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**Response to CCb-8**:

The CWAP contains publicly available data and technical monitoring information that was referenced in the DEIS. The use of these data to characterize the general condition of New Mexico watersheds gives the reader the most current technical information available.

CCb-8 (cont.)

requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy.

CCb-9

2. I also question the presumptions that you made in the socioeconomic sections of this draft EIS that any Alternative will not have a direct impact on any economics of this area. You are not taking into account the economic impacts to individual producers. Livestock production in the Taos Field Office may only make up .1 percent of the state total, but what portion of the local economy is impacted? What difference do statewide numbers make to the producer that is put out of business when his BLM permit is cut? The Socioeconomic Analysis has no value in determining the effects of the proposed action on the citizens within the Taos Field Office, which is the whole goal of the analysis, because it only uses statewide totals. Why would you not look at the effects to individuals in your office as well as to rural communities and other rural families impacted? Would that not be the best way to analyze the socioeconomic effects of this action?

CCb-10

3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

CCb-11

4. Section 4.1.1 of the draft EIS addresses grazing. I do not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. Today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

CCb-12

5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

CCb-13

6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

CCb-14

7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

CCb-15

8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Caren Cowan

Caren Cowan

**Response to CCb-9**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to CCb-10**:

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REC'D JAN 13 20[illegible]

Mary Ella Cowan
P. O. Box 6
Tombstone, AZ 85638

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

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MEC-8 (cont.)

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3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

MEC-11

4. Section 4.1.1 of the draft EIS addresses grazing. I do not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. Today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

MEC-12

5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

MEC-13

6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

MEC-14

7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

MEC-15

8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Mary Ella Cowan

**Response to MEC-9**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to MEC-10**:

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

**Response to MEC-11**:

The BLM acknowledges that livestock grazing has occurred for many years on the majority of the BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to MEC-12**:

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

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**Response to MEC-13**:

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to MEC-14**:

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to MEC-15**:

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

Robert E. Cowan
Cowan Ranches
P. O. Box 309
Tombstone, AZ 85638

RECD JAN 13 2000

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

REC-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

REC-2 I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process. Many BLM permittees in the Taos area have not received copies of the draft EIS although they will be affected by the proposed changes. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important.

REC-3 I am strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. I support Alternative 1, Current Management.

REC-4 This EIS process seems to be going backwards in this instance and therefore indicates non-compliance with the National Environmental Policy Act. Many of the riparian areas have already been fenced off, eliminating access by livestock, due to an agreement reached by the BLM director and environmental groups. Why is the analysis being conducted now, after the fencing has already taken place? Since Alternative 3 in the draft EIS focuses on fencing livestock off of riparian areas, why is this not considered in more detail?

REC-5 I see and concur with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

REC-6 Additionally, when management has one single focus, rather than being balanced, conflicts can develop. For example, the draft EIS discusses the need to treat invasive weeds, including salt cedar, to improve riparian health. However, the document also states that the southwestern willow flycatcher nests in salt cedar. How will this conflict be resolved? We do have some additional, specific concerns, which are documented below.

REC-7 One of the reasons cited for the focus on riparian management, rather than continuing to manage for different goals, is a lack of funding. If there is not enough money to manage with a balanced approach, where will the money come from to focus on riparian management?

**Response to REC-1**:

This comment reflects an opinion; thank you for your comment.

**Response to REC-2**:

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to REC-3**:

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to REC-4**:

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to REC-5**:

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to REC-6**:

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. In areas that contain potential southwestern willow flycatcher habitat, saltcedar (or other exotic species) would be removed only as native species become established so that no net loss of habitat would occur.

**Response to REC-7**:

Funding issues did not drive the need to develop riparian and aquatic HMPs. As stated in the DEIS, improving riparian habitat has and continues to be a BLM management goal. While developing budget priorities continues to be a challenge for public and private organizations, the BLM does not view the funding for riparian management as a “zero sum game” that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

REC-8 1. The use of the Clean Water Action Plan (CWAP) as a guide for the quality of watersheds in the state is inappropriate and in violation of NEPA. The CWAP is a significant Federal action that requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy.

REC-9 2. I also question the presumptions that you made in the socioeconomic sections of this draft EIS that any Alternative will not have a direct impact on any economics of this area. You are not taking into account the economic impacts to individual producers. Livestock production in the Taos Field Office may only make up .1 percent of the state total, but what portion of the local economy is impacted? What difference do statewide numbers make to the producer that is put out of business when his BLM permit is cut? The Socioeconomic Analysis has no value in determining the effects of the proposed action on the citizens within the Taos Field Office, which is the whole goal of the analysis, because it only uses statewide totals. Why would you not look at the effects to individuals in your office as well as to rural communities and other rural families impacted? Would that not be the best way to analyze the socioeconomic effects of this action?

REC-10 3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

REC-11 4. Section 4.1.1 of the draft EIS addresses grazing. I do not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. Today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

REC-12 5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

REC-13 6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

REC-14 7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

REC-15 8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Robert E. Cowan

Robert E. Cowan

**Response to REC-8**:

The CWAP contains publicly available data and technical monitoring information that was referenced in the DEIS. The use of these data to characterize the general condition of New Mexico watersheds gives the reader the most current technical information available.

**Response to REC-9**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to REC-10**:

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

**Response to REC-11**:

The BLM acknowledges that livestock grazing has occurred for many years on the majority of the BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to REC-12**:

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

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**Response to REC-13**:

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to REC-14**:

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to REC-15**:

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

**DEPARTMENT OF AGRICULTURE**
STATE OF NEW MEXICO

Box 30005, Dept. 3189
Las Cruces, New Mexico 88003-8005
Telephone (505) 646-3007

**Gary Johnson**
*Governor*

**Frank A. DuBois**
*Secretary*

January 12, 2000

Ms. Pam Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571

Dear Ms. Herrera:

The following comments address the Bureau of Land Managements (BLM) draft Environmental Impact Statement (DEIS) for Riparian and Aquatic Habitat Management in the Taos Field Office - New Mexico.

1. Section 1508.9, Environmental Assessment, of the Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations states, "'Environmental Assessment': (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental **impacts** of the proposed action and alternatives, and a listing of agencies and persons consulted." [emphasis added]. The significant language of this section is the use of the term "impacts" [i.e., effects]. "Effects" is defined in the CEQ-NEPA regulations at §1508.8 as follows:

> 'Effects' include:
>
> (a) Direct effects, which are caused by the action and occur at the same time and place.
>
> (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
>
> **Effects and impacts as used in these regulations are synonymous.** Effects includes ecological (such as the effects on natural resources and on the components,

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> structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or **cumulative**. [emphasis added].

The term "cumulative impact" is defined in 40 CFR §1508.7:

> 'Cumulative impact' is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

In addition to impacts, section 1502.14 of CEQ-NEPA regulations states, "This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§1502.15) and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies **shall**: (F) Include appropriate **mitigation** measures not already included in the proposed action or alternatives." [emphasis added].

Mitigation is defined in section 1508.20 as follows:

> "Mitigation" includes:
>
> (a)Avoiding the impact altogether by not taking a certain action or parts of an action.
>
> (b)Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
>
> (c)Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
>
> (d)Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
>
> (e)Compensating for the impact by replacing or providing substitute resources or environments.

The pertinent regulations cited above require comprehensive, detailed analyses of the listed factors (ecological, aesthetic, historic, cultural, economic, social, and health) be

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Ms. Pam Herrera, Project Leader
January 12, 2000
Page 3

FAD-1

included in the DEIS document. This DEIS addresses the economically quantifiable use (grazing) of riparian areas. Alternatives may or may not have a direct effect on individuals, the livestock industry, and local communities of New Mexico, however, there could also be indirect and cumulative effects on individuals, the livestock industry and local communities. The BLM should not only identify the economic impacts (direct, indirect, and cumulative), of all the alternatives, but it should also quantify these impacts. In addition, the BLM should provide mitigation measures for all the alternatives. New Mexico Department of Agriculture (NMDA) requests the BLM comply with sections 1508.7, 1508.8, 1508.9, 1502.14 and 1508.20 of the CEQ-NEPA regulations in their entirety.

FAD-2

2. NMDA requests clarification on who will pay for the fencing required to implement livestock management in riparian areas.

FAD-3

3. As stated by the BLM on page 4-31, "Improvement of many areas would be limited by the fragmented distribution of BLM riparian areas and the lack of coordinated watershed management efforts (BLM 1999b)."[1] NMDA requests the BLM provide citations of cost benefit analyses that show the public will benefit from a small segment of stream attaining proper functioning condition (PFC), due to "the fragmented distribution of BLM riparian areas."

On page S-5 Water Quality and Quantity for alternative 2 (preferred alternative) the following is written, "Small improvements in water quality from decreased erosion and deposition . . . ." This statement contradicts information provided later in the document. On Page 4-31 under the Cumulative Impacts the following statement is made, "While the water quality affected by BLM land uses might improve, it is not expected that any of the water quality-limited stream reaches identified by the state would improve enough to meet state standards solely from this action.", and on page 4-9, "In general, the quantity, quality, and availability of water from near by streams and rivers is outside the control of the BLM." Will water quality improve in drainages where the preferred alternative is implemented? Does baseline data exist to gauge an increase or decrease in water quality? If yes, please provide the data or citation, if no, then what is the justification for of each of these statements?

---

[1] U.S. Bureau of Land Management, 1999b, Draft Statewide Resource Management Plan Amendment/Environmental Impact Statement New Mexico Standards for Public Land Health and Guidelines for Livestock Management, BLM/NM/PL-99-001-1020, New Mexico State Office, Santa Fe, N.M., Feb.

**Response to FAD-1**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to FAD-2:**

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the allotments.

**Response to FAD-3**:

The BLM expects that improvements in or maintenance of riparian vegetative cover will reduce local soil erosion rates and decrease local deposition of sediments into stream channels, thus improving local water runoff conditions. However, as the DEIS clearly states, riparian areas under the jurisdiction of the BLM represent a small percentage of all riparian areas and a small percentage of the larger watersheds that influence water quality in the streams and rivers in the State of New Mexico. Thus, measurable changes in overall stream and river water quality within the State of New Mexico will require a cooperative effort among all public and private landowners and land managers.

FAD-4 On Page S-5 Soil Erosion/Deposition the statement is made for the preferred alternative, "Improvement in soil erosion and deposition would be better than Alternative 1." It is questionable that a stream which is PFC under the current management alternative would function any different then the same stretch of stream at PFC under the adaptive management alternative. NMDA requests BLM provide additional information to support this claim.

FAD-5 NMDA requests the BLM provide citations or the location of hydrologic data used to classify each riparian area as either perennial, intermittent, or ephemeral.

The definition of riparian area presented in this DEIS on page 1-1 is as follows,

> The BLM defines a "riparian area" as an area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lake shores and stream banks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil.

FAD-6 NMDA requests the Taos Field Office provide in this DEIS a list of riparian plant species that need to be present in order for a stream segment, spring, or seep to be classified as a riparian area.

FAD-7 4. On page S-3 this statement is made under general approach for the preferred alternative, "An adaptive management approach develops explicit goals for which progress can be measured by a set of specific endpoints (desired future condition, such as PFC, increased use by special status species . . .)." Is it prudent to measure success by "increased use by special status species?" Are there scientific studies conducted in the southwest that verify once a riparian habitat is available, the species of concern will occupy that habitat? NMDA requests the BLM provide citations that support the repatriation of an unoccupied critical habitat.

FAD-8 Are citations available to classify a given unoccupied riparian area as historic habitat for the southwestern willow flycatcher? If yes, please provide citations, if no, then what is the justification for calling a riparian area, potential long-term or currently potential habitat, when the species did not occur in the riparian area in the past?

FAD-9 On Page A-18 the following statement is made, "The bird [southwestern willow flycatcher] migrates to tropical areas in the winter, but the habitats it uses in its wintering grounds are unknown. Tropical deforestation may restrict wintering habitats for this and

**Response to FAD-4**:

The statement refers to the expected improvement in those riparian areas that are not at PFC. Please refer to Table 2.1 in the FEIS (Volume 2) or Table 1.1 in the DEIS.

**Response to FAD-5**:

The information was obtained from the PFC survey files maintained in the Taos Field Office. The surveys are performed according to the direction provided in the BLM 1737 series of riparian management guidance for PFC characterization site visits.

**Response to FAD-6**:

A list of riparian obligate plants would not affect decisions relative to riparian and aquatic habitat management, which is also why an exhaustive list of wildlife species that make use of riparian and aquatic habitats was not included in the DEIS. The dominant native and exotic plant species of concern (e.g., cottonwoods, willows, Russian olive, and saltcedar) were addressed throughout the DEIS. Other common riparian plant species were often mentioned in the descriptions of the specific riparian and wetland areas provided in Chapter 3 of the DEIS.

**Response to FAD-7**:

The BLM agrees that the occupation of habitat cannot be guaranteed. A measurable indicator of a special status species goal would be a set of habitat conditions (e.g., vegetative structure). However, a long-term goal is to assist in the recovery of threatened and endangered species. It is worth noting that the Taos Field Office conducts annual surveys on current and short-term potential southwestern willow flycatcher habitat to estimate populations.

**Response to FAD-8**:

Please see Section B.2.10 (Appendix B, Volume 1 of the FEIS) for background issues and the proposed management of the southwestern willow flycatcher.

**Response to FAD-9**:

The BLM is required by law to conduct land management actions on public land administered by the Taos Field Office that can be demonstrated to assist in the recovery of designated critical habitat for threatened and endangered species. The BLM agrees that other factors outside of the control of the Taos Field Office can affect the survival of threatened and endangered species. However, these factors do not affect the legal requirements of the ESA.

FAD-9 (cont.) other neotropical migrants." Given the above statement, additional scientific data are needed to understand how to recover this species. Other factors such as loss of wintering habitat, a migratory niche taken over by a more adaptable species, predation, and use of pesticides in the tropics that are restricted in the United States could be contributing to the decline of this species in its wintering range. Without wintering range data, exclusion of livestock in its summer range may not aid in the recovery of this species. NMDA requests BLM justify its proposed exclusion of livestock grazing in riparian areas, in light of a lack of scientific data on the influence of winter grounds (in other countries) on restoration of southwestern willow flycatchers.

FAD-10

5. After analyzing the alternatives and looking at past management prescription, how does the end result, relative to grazing, of each alternative differ from one another? The tone of this DEIS (page 2-7) can be summed up as follows, " . . . the conventional wisdom [is] that grazing by domestic livestock is an inappropriate use of riparian areas and should not be allowed at any time." NMDA requests scientific literature citations that support this **conventional wisdom**. On page 3 of BLM's own technical report, Grazing Management for Riparian-Wetland Areas, the following statement is made,

> Livestock grazing can be a compatible use in riparian areas when managed in harmony with land management objectives, and when the function, capability, and potential of the site and the needs of the riparian vegetation guide the development of grazing management prescription.

Differing opinions exist in the two BLM documents. Why is livestock grazing considered a compatible use of riparian areas in the technical report, and is now an inappropriate use of riparian areas based on conventional wisdom?

FAD-11

6. Once a riparian area has reached proper functioning condition, will livestock grazing be resumed for alternatives 1 and 2? During a drought, will the riparian exclosure be used as a relief pasture? If grazing will not be resumed, NMDA requests the BLM provide citations or additional justification for not resuming grazing in a riparian area that has attained PFC.

FAD-12

7. It does not appear, from the information provided in this DEIS, there is a protocol in place for the implementation of livestock management in riparian areas. NMDA request BLM provide in this DEIS the criteria used for implementing each livestock management prescription, riparian pastures, winter grazing, long-term rest, or total exclosure.

FAD-13

8. New Mexico Soil and Water Conservation Districts are subdivisions of the state and should be listed under New Mexico State Government.

**Response to FAD-10**:

The reader is directed to the set of issues discussed in Chapter 4 of the DEIS. The primary benefit of riparian habitat management would be the improvement in vegetative composition and structure and the associated reduction in sedimentation runoff into receiving water bodies. The conventional wisdom mentioned on page 2-7 of the DEIS is a summary statement that reflects the types and numbers of public comments on domestic livestock grazing received during public scoping.

**Response to FAD-11**:

Except for Alternative 3, Grazing Management, all alternatives provide for the continuation of domestic livestock grazing that is governed by the management practices that protect riparian habitat. For example, under Alternative 2, Adaptive Management, dormant season grazing would be permitted when sufficient vegetation composition and structure are present in riparian areas. However, riparian exclosures would not be developed as relief pastures during drought conditions. Please see the HMP (Volume 2 of the FEIS) for further discussion.

**Response to FAD-12:**

The HMP included in the FEIS is based on improving and protecting riparian habitats. This plan includes specific management actions for grazing by domestic livestock to ensure the recovery of the physical and vegetative aspects of riparian areas, and regular monitoring to assess riparian area recovery and function. A number of potential grazing management practices could be utilized, as noted in BLM Riparian Area Management TR 1737-14 (BLM 1997). An adaptive management strategy allows for changes in domestic livestock grazing activities as a function of the condition of each individual riparian area. For example, under Alternative 2, Adaptive Management, dormant season grazing would be permitted when sufficient vegetation composition and structure are present in riparian areas. However, riparian exclosures would not be developed as relief pastures during drought conditions. Please see the HMP (Volume 2 of the FEIS) for further discussion.

**Response to FAD-13**:

The suggested change has been incorporated in Appendix A of Volume 1 of the FEIS (the Addendum to the DEIS).

FAD-14 9. On page 3-28 section 3.13.5 Cow Creek the following statement is made, ". . . grazing activity was light to medium . . . ." Is this a qualitative remark or is this a quantitative estimate of utilization? NMDA requests BLM provide clarification of "light to medium" grazing activity.

FAD-15 NMDA believes the BLM decisions resulting from this planning process, based on a review of the preferred alternatives, could potentially have a negative effect on permittees and local communities in the Taos Field Office area. As such, NMDA requests the BLM provide a full and fair disclosure to the public of the concerns expressed in this comment letter.

Sincerely,

Frank A. DuBois

FAD/rjw/gad

**Response to FAD-14:**

The statement "...grazing activity was light to medium..." was a qualitative statement, not a quantitative estimate.

**Response to FAD-15**:

The comment reflects an opinion; thank you for your comment. As evidenced, your letter representing the New Mexico Department of Agriculture's concerns has been included in this Comment and Response chapter of the FEIS.

REC'D JAN 13 2000

**New Mexico Public Lands Council**
**P.O. Box 1633**
**Roswell, NM 88202**

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

On behalf of the New Mexico Public Lands Council (NMPLC) and its membership, I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS).

BE-1 First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) that was used in this document.

BE-2 I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process. Many members of the NMPLC are also BLM permittees in the Taos area. Although they will be affected by the changes proposed in this draft EIS, they did not receive a copy of the document. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important.

BE-3 The NMPLC is strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. We support Alternative 1, Current Management.

BE-4 This EIS process seems to be going backwards in this instance and therefore indicates non-compliance with the National Environmental Policy Act. Many of the riparian areas have already been fenced off, eliminating access by livestock, due to an agreement reached by the BLM director and environmental groups. Why is the analysis being conducted now, after the fencing has already taken place? Since Alternative 3 in the draft EIS focuses on fencing livestock off of riparian areas, why is this not considered in more detail?

BE-5 The NMPLC can see and concurs with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

BE-6 Additionally, when management has one single focus, rather than being balanced, conflicts can develop. For example, the draft EIS discusses the need to treat invasive weeds, including salt cedar, to improve riparian health. However, the document also states that the southwestern willow flycatcher nests in salt cedar. How will this conflict be resolved? We do have some additional, specific concerns, which are documented below.

**Response to BE-1**:

This comment reflects an opinion; thank you for your comment.

**Response to BE-2**:

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to BE-3**:

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to BE-4**:

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to BE-5**:

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to BE-6**:

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. In areas that contain potential southwestern willow flycatcher habitat, saltcedar (or other exotic species) would be removed only as native species become established so that no net loss of habitat would occur.

BE-7 One of the reasons cited for the focus on riparian management, rather than continuing to manage for different goals, is a lack of funding. If there is not enough money to manage with a balanced approach, where will the money come from to focus on riparian management?

BE-8 1. The use of the Clean Water Action Plan (CWAP) as a guide for the quality of watersheds in the state is inappropriate and in violation of NEPA. The CWAP is a significant Federal action that requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy.

BE-9 2. We question the presumptions that you made in the socioeconomic sections of this draft EIS that any Alternative will not have a direct impact on any economics of this area. You are not taking into account the economic impacts to individual producers. Livestock production in the Taos Field Office may only make up .1 percent of the state total, but what portion of the local economy is impacted? What difference do statewide numbers make to the producer that is put out of business when his BLM permit is cut? The Socioeconomic Analysis has no value in determining the effects of the proposed action on the citizens within the Taos Field Office, which is the whole goal of the analysis, because it only uses statewide totals. Why would you not look at the effects to individuals in your office as well as to rural communities and other rural families impacted? Would that not be the best way to analyze the socioeconomic effects of this action?

BE-10 3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

BE-11 4. Section 4.1.1 of the draft EIS addresses grazing. The NMPLC does not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. We feel that today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

BE-12 5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

BE-13 6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

BE-14 7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

BE-15 8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

**Response to BE-7**:

Funding issues did not drive the need to develop riparian and aquatic HMPs. As stated in the DEIS, improving riparian habitat has and continues to be a BLM management goal. While developing budget priorities continues to be a challenge for public and private organizations, the BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

**Response to BE-8**:

The CWAP contains publicly available data and technical monitoring information that was referenced in the DEIS. The use of these data to characterize the general condition of New Mexico watersheds gives the reader the most current technical information available.

**Response to BE-9**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to BE-10**:

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

**Response to BE-11**:

The BLM acknowledges that livestock grazing has occurred for many years on the majority of the BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to BE-12**:

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

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**Response to BE-13**:

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to BE-14**:

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to BE-15**:

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

Thank you in advance for your consideration.

Sincerely,

Bud Eppers

Bud Eppers
President

Cc: New Mexico Congressional Delegation
Governor Gary Johnson
Lt. Governor Walter Bradley
Michelle Chavez, State BLM Director

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Callie Gnatkowski
1400 Pennsylvania NE, Apt. G.
Albuquerque, NM 87110

REC'D JAN 1 3 2000

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

CG-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

CG-2 I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process. Many BLM permittees in the Taos area have not received copies of the draft EIS although they will be affected by the proposed changes. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important.

CG-3 I am strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. I support Alternative 1, Current Management.

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**Response to CG-1**:

This comment reflects an opinion; thank you for your comment.

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Thank you in advance for your consideration.

Sincerely,

Callie Gnatkowski

Callie Gnatkowski

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

REC'D JAN 14 2000

January 12, 2000

Mr. Pam Herrara
Project Leader
Bureau of Land Management (B.M.)
Taos Field Office
226 Cruz Alto Road
Taos, NM 87571

Dear Mr. Herrera:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed a limited review of the Draft Environmental Impact Statement (DEIS) for the proposed. riparian and aquatic habitat management in theTaos Field Office area. The EIS examines a range of alternatives for restoring and protecting riparian habitats under B.M.'s jurisdiction which includes grazing management.

MPJ-1 Since the DEIS is programmatic in content and the alternatives considered promote environmental enhancement, EPA Region 6 has limited it review to insure that the DEIS meets the minimal administrative and procedural requirements established by the NEPA and the CEQ Regulations. EPA's limited review finds the DEIS to satisfy this requirement and takes no position (Lack of Objections) on the preferred action or the alternatives.

We appreciate the opportunity to review the DEIS. EPA requests that you send our office one copy of the FEIS at the same time that it is sent to the Office of Federal Activities, EPA, 401 M Street S.W., Washington, D.C. 20460.

Sincerely yours,

Michael P. Jansky, P.E.
Environmental Review Coordinator

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 25% Postconsumer)

**Response to MPJ-1:**

The BLM acknowledges receipt of the U.S. Environmental Protection Agency, Region 6, comments on the DEIS.

RECD JAN 18 2000

Center for Biological Diversity

*protecting and restoring the west's deserts, grasslands, rivers, forests, and wildlife through science, education, policy development, and environmental law*

January 12, 2000

Pam Herrera, Project Leader
BLM, Taos Field Office
226 Cruz Alta Rd
Taos, NM 87571

RE: Draft: Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Albuquerque Field Office -- New Mexico

Please accept our comments regarding the above mentioned EIS.

SJ-1 Due to the fact that nearly all BLM lands in New Mexico are grazed, and most riparian and aquatic habitats have suffered extensive damage **we support Alternative 3**, exclusion of livestock use in all riparian habitats.

The DEIS points out many times that eliminating livestock use in riparian and aquatic habitats would result in the best protection for threatened and endangered wildlife and plants, water quality, recreation, and soils. We don't believe that the DEIS showed scientifically that manipulated grazing management can be beneficial to riparian habitats. However, Belsky, 1999 shows clearly that the overwhelming majority of science indicates that grazing in riparian areas causes harm under all management schemes.

Alternative Three seems to be the best action in light of all that will be gained. In the long run the cost will far out way the expense to protect T&E species, soils, and water quality.

**Environmental Consequences**

SJ-2 Section 4.1.1 seems to make the case for Alternative Three emphatically;

> "Livestock grazing has damaged 80% of the streams and riparian ecosystems in arid regions of the western United States."
>
> "The continued decline in riparian habitats in the West has been attributed, in part, to increased numbers of cattle in western rangelands."
>
> "Overgrazing reduces the density and biomas of many plant and animal species, reduces biodiversity, aids the spread of exotic species, interrupts ecological succession, impedes the cycling of nitrogen (the most important limiting nutrient in the West), changes habitat structure, disturbs community organization, and can severely impact riparian-wetland

Tucson Office PO Box 710 Tucson, AZ 85702-0710 TEL: 520.623.5252, ext. 302 FAX: 520.623.9797
E-mail: sjimerfield@sw-center.org http://www.sw-center.org *post consumer content*

**Response to SJ-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

**Response to SJ-2:**

The comment reflects an opinion; thank you for your comment.

habitats (the biologically richest habitats in the region)."

"Cattle prefer to graze streamside riparian environments because these areas have flatter terrain, water, shade, and more succulent vegetation. Because of this livestock transition, riparian areas now receive heavier grazing pressures."

"Cattle can cause more damage to riparian zones than their often small numbers would suggest. They tend to avoid hot, dry environments and congregate in wet areas for shade, water, and succulent forage, spending 5 to 30 times more time in riparian zones than would be predicted from surface area alone."

"The physical effects of overgrazing on streams and streambanks can include: (1) shearing of streambank soils; (2) increase in water and wind erosion of exposed streambanks and channel soils because of loss of vegetative cover; (3) caving-in of streambanks from animal pressure; (4) reductions in streambank undercuts; (5) wider and shallower stream channels; (6) lower water tables; (7) increases in streambank slopes; (8) increases in summer stream water temperatures; (9) increases in streambank instability; (10) increases in suspended solids."

"Overgrazing also has detrimental effects on the biological resources of riparian-wetland areas. Livestock can alter riparian by (1) compaction of soil, which increases runoff and decreases water availability to plants; (2) removal of vegetation, which allows soil temperatures to rise, thereby increasing evaporation; (3) physical damage to vegetation by rubbing, trampling, and browsing; (4) increased dependance on shrubs for forage; and (5) altering the growth form of plants by removing terminal buds and stimulating lateral branching."

"Other effects of grazing on riparian vegetation include changes in species composition; decreases in plant vigor; changes in timing and amounts of organic energy leaving the riparian zone; decreases in canopy cover; reductions of vegetation hanging over and into the water column; reduction or alteration of the vertical and horizontal components of the tree, shrub, and herbaceous layers; and creation of conditions the favor exotic species (such as saltcedar)."

"Livestock contribute to the spread of exotic plant species by dispersing seeds in fur and dung and by reducing competition from native species by eating them."

"Cattle grazing can alter bird species composition by eliminating rare species as ecological generalists invade a site."

"Ground nesting birds are probably more severely effected by overgrazing than any other group of wildlife."

"Given the ubiquity of grazing in the West, species dependant on lush ungrazed ground cover are at risk, and doubtless their populations already are at levels far below historic

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levels."

"Livestock grazing effects raptors primarily by influencing the abundance and availabilty of their prey populations."

"Livestock can effect small mammals directly (by trampling burrows, compacting soil, or competing for food) and indirectly (by altering the structure or species composition of the vegetation in a manner that influences habitat selection by small mammals)."

SJ-3

It would seem that in light of this overwhelming evidence that the preferred alternative would be to eliminate cattle grazing entirely from the western range, however even for the few remaining riparian areas considered in this DEIS the BLM prefers to continue grazing cattle. The preferred alternative is based largely on unsupported statements in section 4.1.1., such as;

(1) "Dormant season use by livestock can generally result in improvement in the condition of riparian vegetation and in streambank stability."
(2) The best time for livestock to use riparian areas is from late fall to just before peak demand of those reserves for plant growth in the following spring."

Neither of these statements are supported by scientific evidence. In fact both statements are countered by previous statements, "cattle will concentrate in riparian areas in the fall because adjacent upland vegetation is drier and less palatable than riparian vegetation. As herbaceous cover is depleted, livestock will shift browsing riparian shrubs (especially willows) before leaf drop, reducing residual cover needed for stream bank maintenance during subsequent high spring flows." "Although riparian vegetation may prove resilient in the presence of livestock for several years, over the long term, species composition, structural diversity, width of riparian zone, and succession may be affected by the influence of livestock on the establishment and survival of tree seedlings."

SJ-4

It would seem that proposing to develop intensive rest rotation riparian pastures would be counter to all that has been presented in section 4.1.1 that has a citation other than internal BLM documents. In degraded areas, the cessation of livestock grazing for 5 years or more or perhaps permanently will be necessary to restore the natural vegetation and restore other natural resource values (Behnke 1979). Why does the BLM propose to conduct yet another elaborate expensive experiment with our riparian habitat, that will not provide any knowledge that does not already exist? It's simple get the cows off and you will have everything the public expects of our public lands. Catering to a few ranchers is not working in the interest of the American public.

SJ-5

Additionally, protecting T&E species and working toward their delisting will not be accomplished by maintaining the status quo. Species need to be recovered, that is they need to have their numbers and range increase. Species like the Mexican gray wolf will not be delisted as long as they are confined to a small area which limits their numbers. Live stock numbers and distribution will have to brought under control. The ubiquity of the livestock problem will in and of itself prevent the recovery of the wolf. This will lead to more lawsuits, huge expenses to the public, and a crime against our children.

**Response to SJ-3:**

The purpose of riparian habitat management is to focus on the health of these areas; however, the BLM has other goals that it needs to strive for to meet its mandate for managing its lands to accommodate multiple uses. Thus, where possible, the BLM is expected to find harmony between productive natural rangelands and communities that depend on those rangelands.

**Response to SJ-4:**

The HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, they may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitat on public land.

**Response to SJ-5:**

The comment addresses issues beyond the scope of this EIS process; thank you for your comment.

Support for this claim is supported in your acknowledgment of the following scientific fact, "small mammals provide an important base for many animals at higher trophic levels." As well as the impact to deer, elk, and other food bases of the wolf.

I would now like to focus on the following two statement in the DEIS;

(1) "where grazing occurs in riparian areas, seasonal use (particularly the dormant season) is the preferred management technique to maintain these areas once they have attained proper functioning condition."

(2) The extreme position is that livestock grazing should be excluded from Western riparian ecosystems wherever possible because of the scarcity of these areas and their importance to wildlife."

SJ-6 Number one assumes that riparian areas can be "maintained" with cattle grazing, yet no evidence is given to support this statement other than the table in appendix B. High quality functioning riparian is not a result of grazing.

BLM criteria for PFC can be met after an area has been excluded from grazing, or has been severely limited to cattle impacts. That is because BLM criteria for PFC is compromised in order to allow the continuation of grazing. Nearly all non-agency peer-reviewed scientific literature shows that cattle degrade riparian ecosystems under all management schemes. Cattle are returned or allowed to continue to graze riparian ecosystems because that is the agencies preferred management practice, not because it will "maintain" the system as PFC.

SJ-7 Number two is the most puzzling of all. The overwhelming scientific evidence supports the removal of cattle from nearly all western range, and the majority of Americans support the removal of cattle to protect wildlife and water, yet the BLM views this as an "extreme position." I would argue that the extreme position would be to allow the BLM and other Federal and State agencies to continue to endanger wildlife and plants, cause flooding and desertification, pollute the water, and spend millions of our tax dollars every year to do it. Your position is extreme and a complete attack on common sense which shows a deep systemic lack of accountability to the American people. How did the BLM obtain this position? Is there any evidence that proves it to be true?

### Proposed Management

SJ-8 We propose the BLM choose Alternative Three which would remove cattle from all the riparian areas described in the DEIS. We also believe that changes in the management of the uplands regarding cattle will need to be considered. None of the proposed alternatives can achieve their intended results until the uplands are considered as well. The only alternative that guarantees a level of recovery acceptable given the exclusion of management changes in the uplands is Alternative Three.

### Drought Management

**Response to SJ-6:**

The HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, they may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land. Grazing in riparian areas is subject to monitoring to determine whether riparian health is being maintained. Where grazing is contributing to resource degradation, the BLM will take action to modify management of the allotment.

**Response to SJ-7:**

It is the intent of the BLM to improve the health of the land, not to stop livestock grazing on public lands or to put anyone out of business. If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, an appropriate action will be determined. For example, if the BLM determines the public land is not healthy because of current grazing practices, a change in management of livestock would be required. If it is determined that the public land is not healthy because of another use (e.g., recreation), a change in management of that use would be required so the land can achieve its potential. The purpose of riparian habitat management is to focus on the health of these areas; however, the BLM has other goals that it needs to strive for to meet its mandate for managing public land to accommodate multiple uses. Thus, where possible, the BLM is expected to find harmony between productive natural rangelands and communities that depend on those rangelands.

**Response to SJ-8:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

It is increasingly understood that the climate of the arid southwest is not predictable, and more variable than previously thought. A great deal of the damage caused by cattle to the land happens during periods of drought. Often the damage caused during a drought is irreparable or takes a very long time period to recover (often it will not as cattle are left to continue degrading the land or maintain the level of degradation caused during the drought). BLM needs to begin incorporating a Drought Management Plan into all grazing leases.

SJ-9

Management plans never consider the issue of drought. The BLM needs a mechanism built into the permit which would allow for a quick implementation of a previously decided plan to handle a dry period. Often a dry period can be as short as 3 for 4 months, and depending on the time of year cattle impacts could be severe. Often the only solution is to remove the cattle until the dry period has ended. Under current management practices this is nearly impossible.

That concludes our comments. Please keep me informed as to any decisions or further public participation processes.

Sincerely,

Shane Jimerfield
Assistant Director

**Response to SJ-9:**

Livestock management considerations associated with drought conditions are addressed in BLM Riparian Area Management TR 1737-14 (BLM 1997).

REC'D JAN 1 3 2000

Diann Lee
P. O. Box 515
Bosque, NM 87006-0515

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera;

DL-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

DL-2 I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process. Many BLM permittees in the Taos area have not received copies of the draft EIS although they will be affected by the proposed changes. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important.

DL-3 I am strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. I support Alternative 1, Current Management.

DL-4 This EIS process seems to be going backwards in this instance and therefore indicates non-compliance with the National Environmental Policy Act. Many of the riparian areas have already been fenced off, eliminating access by livestock, due to an agreement reached by the BLM director and environmental groups. Why is the analysis being conducted now, after the fencing has already taken place? Since Alternative 3 in the draft EIS focuses on fencing livestock off of riparian areas, why is this not considered in more detail?

DL-5 I see and concur with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

DL-6 Additionally, when management has one single focus, rather than being balanced, conflicts can develop. For example, the draft EIS discusses the need to treat invasive weeds, including salt cedar, to improve riparian health. However, the document also states that the southwestern willow flycatcher nests in salt cedar. How will this conflict be resolved? We do have some additional, specific concerns, which are documented below.

DL-7 One of the reasons cited for the focus on riparian management, rather than continuing to manage for different goals, is a lack of funding. If there is not enough money to manage with a balanced approach, where will the money come from to focus on riparian management?

DL-8 1. The use of the Clean Water Action Plan (CWAP) as a guide for the quality of watersheds in the state is inappropriate and in violation of NEPA. The CWAP is a significant Federal action that

**Response to DL-1**:

This comment reflects an opinion; thank you for your comment.

**Response to DL-2**:

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to DL-3**:

Thank you for your comment. Your support for Alternative 1 is noted.

**Response to DL-4**:

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to DL-5**:

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to DL-6**:

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. In areas that contain potential southwestern willow flycatcher habitat, saltcedar (or other exotic species) would be removed only as native species become established so that no net loss of habitat would occur.

**Response to DL-7**:

Funding issues did not drive the need to develop riparian and aquatic HMPs. As stated in the DEIS, improving riparian habitat has and continues to be a BLM management goal. While developing budget priorities continues to be a challenge for public and private organizations, the BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

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**Response to DL-8**:

The CWAP contains publicly available data and technical monitoring information that was referenced in the DEIS. The use of these data to characterize the general condition of New Mexico watersheds gives the reader the most current technical information available.

DL-8 (cont.) requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy.

DL-9 2. I also question the presumptions that you made in the socioeconomic sections of this draft EIS that any Alternative will not have a direct impact on any economics of this area. You are not taking into account the economic impacts to individual producers. Livestock production in the Taos Field Office may only make up .1 percent of the state total, but what portion of the local economy is impacted? What difference do statewide numbers make to the producer that is put out of business when his BLM permit is cut? The Socioeconomic Analysis has no value in determining the effects of the proposed action on the citizens within the Taos Field Office, which is the whole goal of the analysis, because it only uses statewide totals. Why would you not look at the effects to individuals in your office as well as to rural communities and other rural families impacted? Would that not be the best way to analyze the socioeconomic effects of this action?

DL-10 3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

DL-11 4. Section 4.1.1 of the draft EIS addresses grazing. I do not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. Today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

DL-12 5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

DL-13 6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

DL-14 7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

DL-15 8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Diann Lee

**Response to DL-9:**

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

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The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

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The BLM acknowledges that livestock grazing has occurred for many years on the majority of the BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to DL-12:**

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

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If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

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Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to DL-15**:

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

REC'D JAN 1 3 2000

Mike Lee
P. O. Box 515
Bosque, NM 87006-0515

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

ML-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

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Sincerely,

Mike Lee

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Mrs. Lou McDonald
P. O. Box 4676
Huachuca City, AZ 85616

REC'D JAN 13 2000

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

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MLM-5 I see and concur with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

MLM-6 Additionally, when management has one single focus, rather than being balanced, conflicts can develop. For example, the draft EIS discusses the need to treat invasive weeds, including salt cedar, to improve riparian health. However, the document also states that the southwestern willow flycatcher nests in salt cedar. How will this conflict be resolved? We do have some additional, specific concerns, which are documented below.

MLM-7 One of the reasons cited for the focus on riparian management, rather than continuing to manage for different goals, is a lack of funding. If there is not enough money to manage with a balanced approach, where will the money come from to focus on riparian management?

MLM-8 1. The use of the Clean Water Action Plan (CWAP) as a guide for the quality of watersheds in the state is inappropriate and in violation of NEPA. The CWAP is a significant Federal action that

**Response to MLM-1**:

This comment reflects an opinion; thank you for your comment.

**Response to MLM-2**:

The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

**Response to MLM-3**:

Thank you for your comment. Your support for Alternative 1 is noted.

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The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to MLM-5**:

Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

**Response to MLM-6**:

Management of saltcedar and Russian olive will occur after a thorough analysis of the management needs for each riparian area. Please see the HMP (Volume 2 of the FEIS) for information on invasive species control for riparian areas. In areas that contain potential southwestern willow flycatcher habitat, saltcedar (or other exotic species) would be removed only as native species become established so that no net loss of habitat would occur.

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Funding issues did not drive the need to develop riparian and aquatic HMPs. As stated in the DEIS, improving riparian habitat has and continues to be a BLM management goal. While developing budget priorities continues to be a challenge for public and private organizations, the BLM does not view the funding for riparian management as a "zero sum game" that deprives other field office activities of adequate funding. A HMP for riparian systems provides the documentation needed to assist in developing field office budget priorities.

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**Response to MLM-8:**

The CWAP contains publicly available data and technical monitoring information that was referenced in the DEIS. The use of these data to characterize the general condition of New Mexico watersheds gives the reader the most current technical information available.

MLM-8 (cont.) requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy.

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MLM-10 3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

MLM-11 4. Section 4.1.1 of the draft EIS addresses grazing. I do not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. Today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

MLM-12 5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

MLM-13 6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

MLM-14 7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

MLM-15 8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Lou McDonald

Mrs. Lou McDonald

**Response to MLM-9**:

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to MLM-10**:

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

**Response to MLM-11**:

The BLM acknowledges that livestock grazing has occurred for many years on the majority of the BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to MLM-12**:

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

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**Response to MLM-13**:

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to MLM-14**:

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to MLM-15**:

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

**Central New Mexico Audubon Society**
POST OFFICE BOX 30002 — ALBUQUERQUE, NEW MEXICO 87190

January 12, 2000

Pam Herrera, BLM Project Leader
Bureau of Land Management
226 Cruz Alta Road
Taos, New Mexico 87571

**Re: Draft EIS For Riparian and Aquatic Habitat Management in the Taos Field Office -- New Mexico**

Dear Ms. Herrera:

JDM-1

We write to strongly encourage you to adopt Alternative 3 presented in the draft EIS and to adopt that alternative for purposes of preparing the final Environmental Impact Statement.

Riparian areas are critical to wildlife, including birds, in the arid Southwest. However, it is known that livestock grazing has a particularly detrimental impact on riparian areas. Cattle, like people, like to be around water, but graze so as to destroy covering vegetation resulting in erosion, loss of wildlife habitat, etc.

Thank you for considering these comments, and we, again, strongly encourage you to adopt Alternative 3 in the final Environmental Impact Statement.

Very truly yours,

Jeffrey D. Myers, Conservation Chair

JDM:pn

cc: Beth Hurst-Waitz, President, Central New Mexico Audubon Society
David Henderson, Director, National Audubon Society-New Mexico

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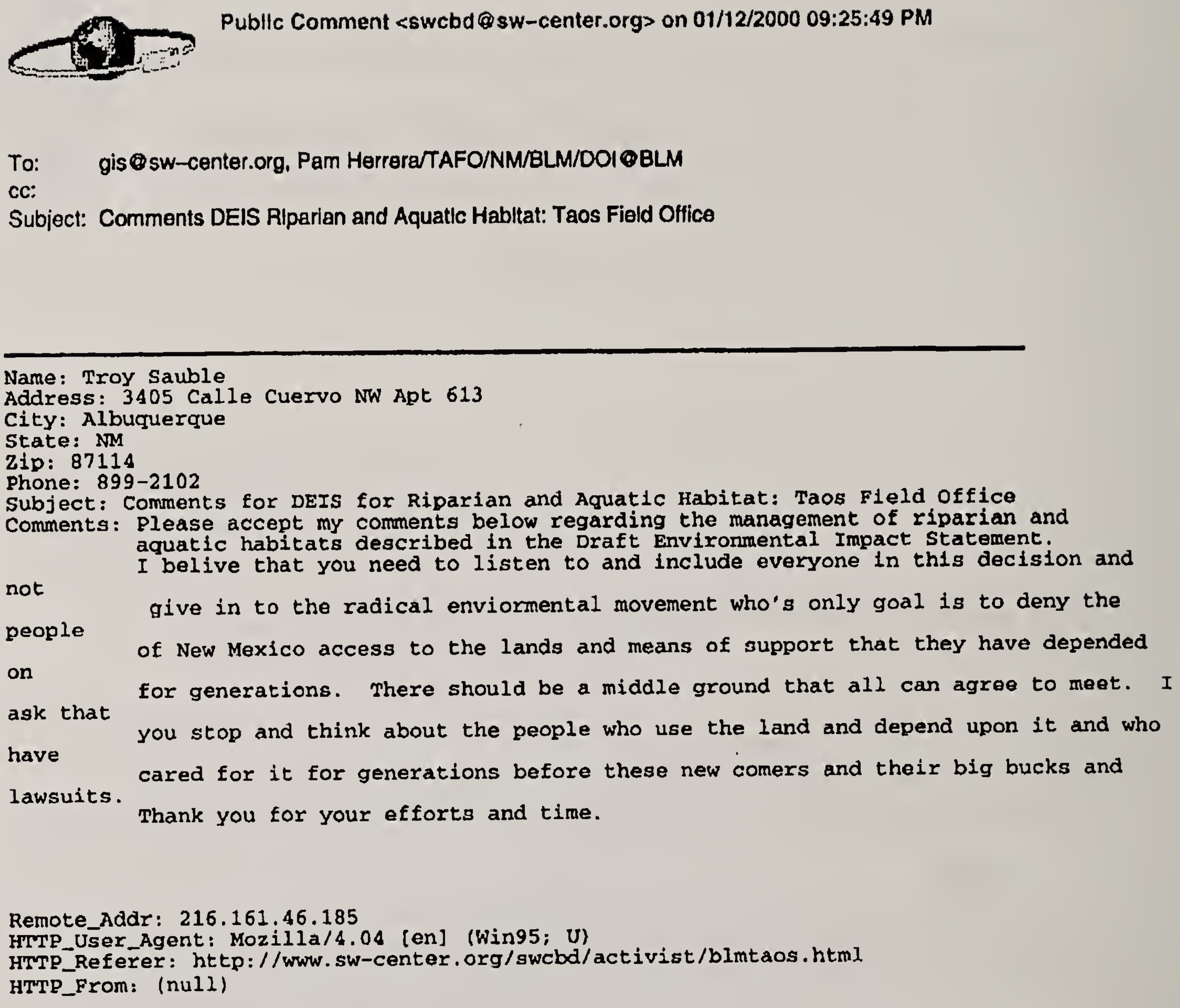
REC'D JAN 1 3 2000

**Response to JDM-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.



Public Comment <swcbd@sw-center.org> on 01/12/2000 09:25:49 PM

To: gis@sw-center.org, Pam Herrera/TAFO/NM/BLM/DOI@BLM
cc:
Subject: Comments DEIS Riparian and Aquatic Habitat: Taos Field Office

---

Name: Troy Sauble
Address: 3405 Calle Cuervo NW Apt 613
City: Albuquerque
State: NM
Zip: 87114
Phone: 899-2102
Subject: Comments for DEIS for Riparian and Aquatic Habitat: Taos Field Office
Comments: Please accept my comments below regarding the management of riparian and aquatic habitats described in the Draft Environmental Impact Statement.

TS-1 I belive that you need to listen to and include everyone in this decision and
not
give in to the radical enviormental movement who's only goal is to deny the
people
of New Mexico access to the lands and means of support that they have depended
on
for generations. There should be a middle ground that all can agree to meet. I
ask that
you stop and think about the people who use the land and depend upon it and who
have
cared for it for generations before these new comers and their big bucks and
lawsuits.
Thank you for your efforts and time.

Remote_Addr: 216.161.46.185
HTTP_User_Agent: Mozilla/4.04 [en] (Win95; U)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/blmtaos.html
HTTP_From: (null)

**Response to TS-1:**

The comment reflects an opinion; thank you for your comment.

REC'D JAN 13 2000

Randy Summers
3821 Don Juan Court, NW
Albuquerque, NM 87107

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

RS-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

RS-2 I would like to request a 60-day extension of the comment period to allow everyone a chance to participate in the process. Many BLM permittees in the Taos area have not received copies of the draft EIS although they will be affected by the proposed changes. These permittees need a chance to receive, review and comment on the document, since their livestock operations and livelihoods will be impacted by the decision made. Since this document will also serve as the EIS for the RMP amendment, participation from affected interests is even more important.

RS-3 I am strongly opposed to the preferred alternative specified in the draft EIS, adaptive management, or any other alternative that would adversely affect grazing permittees and livestock producers, and/or other users who depend upon the land to provide their livelihoods. I support Alternative 1, Current Management.

RS-4 This EIS process seems to be going backwards in this instance and therefore indicates non-compliance with the National Environmental Policy Act. Many of the riparian areas have already been fenced off, eliminating access by livestock, due to an agreement reached by the BLM director and environmental groups. Why is the analysis being conducted now, after the fencing has already taken place? Since Alternative 3 in the draft EIS focuses on fencing livestock off of riparian areas, why is this not considered in more detail?

RS-5 I see and concur with the necessity of protecting riparian areas. However, managing everything towards one single goal will not work. How can you manage for the health of the riparian areas without considering all of the other elements that make up the ecosystem? Why would you want to manage for one single idea to the exclusion of anything else? Since current management has already restored some riparian areas, why not continue with what is already working? Page S-2 of the draft EIS, states "...riparian habitats are critical but very small areas in relation to the large amount of land administered by the BLM." How can the BLM manage all of its land towards the health of those very small areas?

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This comment reflects an opinion; thank you for your comment.

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The comment period was extended to February 12, 2000 (30-day extension), in response to several requests.

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Thank you for your comment. Your support for Alternative 1 is noted.

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The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

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Alternative 2, Adaptive Management, does not exclude other management activities in riparian areas. Alternative 2 identifies the improvement and protection of riparian habitat and associated threatened and endangered species habitat as primary objectives. These primary objectives do not exclude secondary objectives such as recreation or cultural resource management.

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Thank you in advance for your consideration.

Sincerely,

Randy Summers

**Response to RS-9**:

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Rachel Thomas
P. O. Box 4637
Huachuca City, AZ 85616

REC'D JAN 1 3 2000

January 12, 2000

Pat Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Rd.
Taos, NM 87571

RE: Draft Environmental Impact Statement for Riparian and Aquatic Management in the Taos Field Office

Dear Mr. Herrera:

RT-1 I am writing to comment on the above-specified Draft Environmental Impact Statement (EIS). First of all, I would like to commend you on the proper use of the No Action Alternative, with no changes from current management, as required by the National Environmental Policy Act (NEPA) used in this document.

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**Response to RT-1:**

This comment reflects an opinion; thank you for your comment.

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RT-8 (cont.)

requires an Environmental Assessment (EA) or full EIS consistent with the provisions of the NEPA. The required EA and/or EIS have not been completed. Additionally, any use of the CWAP should be held up until a judgment is rendered in the lawsuit filed against its implementation. The lawsuit has been filed by the Wyoming Association of Conservation Districts et al vs. U.S. Environmental Protection Agency, US Department of Agriculture, US Army Corps of Engineers, and US Department of Interior regarding the CWAP/Unified Strategy.

RT-9

2. I also question the presumptions that you made in the socioeconomic sections of this draft EIS that any Alternative will not have a direct impact on any economics of this area. You are not taking into account the economic impacts to individual producers. Livestock production in the Taos Field Office may only make up .1 percent of the state total, but what portion of the local economy is impacted? What difference do statewide numbers make to the producer that is put out of business when his BLM permit is cut? The Socioeconomic Analysis has no value in determining the effects of the proposed action on the citizens within the Taos Field Office, which is the whole goal of the analysis, because it only uses statewide totals. Why would you not look at the effects to individuals in your office as well as to rural communities and other rural families impacted? Would that not be the best way to analyze the socioeconomic effects of this action?

RT-10

3. The draft EIS discusses fencing specifications. Who will install these fences if they are required? Who will pay for them? Who will be responsible for maintenance and upkeep?

RT-11

4. Section 4.1.1 of the draft EIS addresses grazing. I do not disagree that historic overgrazing may have caused long-term damage to many rangelands and other areas in the state. However, that damage is probably a century old. Today's livestock producers have more knowledge and manage their operations more scientifically than producers in the past may have. The document's emphasis on the problems caused by overgrazing seems more than extreme because of today's management techniques.

RT-12

5. The draft EIS states that alternative water sources will be provided in areas where livestock and wildlife have been denied access to riparian areas. What happens to water rights? Is this not a "taking" of private property? Who will pay for these wells and/or other forms of watering sources to be installed? What incentives have been offered to permittees for better management?

RT-13

6. Why has the damage caused by elk or other wildlife to these riparian areas not been mentioned or addressed in the document? How can riparian area management be improved if the impacts caused by ALL animals grazing in the area has not been analyzed? Will hunting and fishing in these areas be denied also? How will you keep recreational users out of these areas?

RT-14

7. Was an environmental justice study conducted on this draft EIS? If so, what were the results? What are the low income and minority populations? How will those impacts be mitigated? Given the ethnic make up of the Taos area, they are likely to be significant.

RT-15

8. Why were no organizations representing the livestock industry contacted for input into this draft EIS? It seems that before considering an action which will have such an impact on livestock producers, the BLM would at least contact producers or the organizations that represent those producers.

Thank you in advance for your consideration.

Sincerely,

Rachel Thomas

**Response to RT-9:**

None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Thus, there is no need to develop detailed analyses of potential economic impacts.

**Response to RT-10:**

The BLM will provide funding for fencing. The construction and maintenance costs will be negotiated between the BLM and the permittee, which is normally done for range improvement projects. In general, the BLM maintains fences outside of grazing allotments, while the permittees maintain those within the grazing allotments.

**Response to RT-11:**

The BLM acknowledges that livestock grazing has occurred for many years on the majority of the BLM public land. Most of this land is in sustainable condition. The BLM does not choose one grazing management system over another. However, periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource but also tailored to fit the livestock operation. Scientific literature available through bibliographic reference services documents the effects of livestock grazing on riparian areas. The DEIS also discussed other factors beyond livestock grazing that may contribute to riparian degradation.

**Response to RT-12:**

The BLM does not propose to take any private water rights in association with managing riparian and aquatic habitats. However, if a BLM management action potentially affects private water rights, actions consistent with State water laws would be taken.

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**Response to RT-13:**

If public lands are degraded, the first step is to determine the causes. If an action needs to be taken to change the management or the use of the land, the appropriate action will be determined. Elk numbers have increased and may be reducing the livestock grazing capacity on some lands. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land on the basis of the BLM's recognition that wildlife and livestock use the land. Carrying capacities for livestock are also set on the basis of monitoring and also take into account the fact that both livestock and wildlife use the forage. If the BLM determines that the public land is not healthy because of a use activity (e.g., recreation, hunting, elk grazing), a change in management of that land will be required so that the land can achieve its potential.

The Riparian and Aquatic HMP focuses on productive and proper functioning riparian areas. Where current uses (e.g., grazing, hunting, and fishing) are not interfering with achieving the riparian standards or objectives, these uses may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified. The intent of Alternative 2 is to ensure proper management of the riparian/aquatic habitats on public land.

**Response to RT-14:**

Environmental justice issues were discussed in the DEIS. None of the three alternatives presented in the DEIS would result in a measurable change in the total numbers of domestic livestock allowed within allotments that contain riparian habitats. Because no measurable economic impacts would result from implementation of any of the alternatives and all three alternatives would result in increased environmental quality, environmental justice issues are not addressed in riparian habitat management planning.

**Response to RT-15:**

As required by NEPA, public scoping at the start of the EIS process and public comment on the DEIS were open and available to all individuals; private and public organizations; city and county governments; and local, state, and federal agencies. Please see Section 5.1 of the DEIS and Section 6 of the FEIS (Volume 2) for further information on public participation actions undertaken by the BLM.

[illegible] JAN 2 4 2000

*State of New Mexico*
*ENVIRONMENT DEPARTMENT*
*Office of the Secretary*
*Harold Runnels Building*
*1190 St. Francis Drive, P.O. Box 26110*
*Santa Fe, New Mexico 87502-6110*
*Telephone (505) 827-2855*
*Fax: (505) 827-2836*

1912

GARY E. JOHNSON
*GOVERNOR*

PETER MAGGIORE
*SECRETARY*

PAUL R. RITZMA
*DEPUTY SECRETARY*

January 20, 2000

Pam Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, N.M. 87571

Dear Mr. Herrera:

**RE: BLM, TAOS FIELD OFFICE DEIS FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT**

This transmits New Mexico Environment Department (NMED) staff comments concerning the above-referenced Draft Environmental Impact Statement (DEIS).

**Affected Environment**

**Inclusion of All BLM Riparian Areas In Taos Field Office Area**

GC-1

The list of streams, wetlands, and springs comprising the affected environment may be incomplete. The following areas containing BLM land with probable riparian habitat were not included in the DEIS, nor is their management addressed by the Rio Chama Management Plan (USFS, et al., 1990) or Rio Grande Corridor Proposed Plan and Final EIS (BLM, 1998):

| Stream | Location | Notes |
|---|---|---|
| Navajo River | T32N., R1W, S10 and S20 | Extreme NW in affected area |
| Cañada de los Ranchos | T31N, R8E, S3 and T32N, R8E,S36 | Two reaches |
| Canjilon Creek | T25N, R4E, S11 | |
| Rio Chama | Just downstream of Abiquiu Reservoir | |
| Rio Chama | Between Rio del Oso and Medanales | |
| Rio del Oso | Just upstream of junction with Rio Chama | |
| Dry Cimarron River | T30N, R59W, S5 | |
| Ocate Creek | T22N, R20E, S9 | |
| Mora River | Several segments pictured in Figure 3.6, some segments upstream. | Total length greater than 1.5 mi stated on p. 3-28 |
| Pecos River | T12N, R15E, S11-12 | Near El Cerrito |

**Response GC-1:**

All riparian areas (except the Rio Grande and Rio Chama) are intended to be included within the document. However, because of the scattered land patterns, some small riparian areas may have been omitted. If new areas are located in the future, they will be incorporated into the protection strategies identified within this document.

GC-1 (cont.) Clarification is needed as to how the riparian areas of the affected environment were inventoried, why specific riparian areas were excluded (e.g., if their management is addressed in an existing document), and whether this EIS also addresses management of riparian or wetland areas that are on BLM land but are not currently included in the BLM inventory.

**Recommended Changes to Table 3.2**

GC-2 The caption for Table 3.2 on page 3-7 contains several errors. The caption should be changed as follows:

> a Notes: TMDL Segment = river miles for which total maximum daily load (TMDL) analysis must be completed; TMDL Schedule = the mandatory year of completion by NMED or EPA of a TMDL document describing the causes (water quality parameters) and sources (discharges and land-use activities) of non-support; Causes of Non-support = water quality parameters for which the water quality of TMDL segments does not support their designated uses; NPDES Permits = discharge permits issued under the National Pollutant Discharge Elimination System; Water Supply Systems = regulated drinking water supply systems in the watershed that depend on surface water; COE §404 Permits = the number of actions (information provided, public meetings, field inspections, and permits issued by the U.S. Army Corps of Engineers [COE]) regarding §404 of the Clean Water Act and §10 of the Rivers and Harbors Act; USGS Stations = U.S. Geological Survey (USGS) stream gauging stations in the hydrologic unit.

Source: New Mexico Environment Department and Natural Resources Conservation Service (1998).

Table 4 in the New Mexico Unified Watershed Assessment, cited by the BLM, was used to develop Table 3.2 in the DEIS. Both tables list watersheds, while the TMDL process addresses specific degraded stream segments. Some watersheds (e.g. the Conejos) contain stream segments scheduled for TMDL analysis in different years (e.g., the Rio de los Pinos is scheduled for 2013 or earlier, while the Rio San Antonio is scheduled for 2017 or earlier), making both tables erroneous. Therefore, more than one year should be listed in column 5 of Table 3.2 where applicable. The primary source for this information is the 1998 State of New Mexico §303(d) List for Assessed Stream and River Reaches. This list is updated every two years, and the 1996 list is probably the list referred to in the References section (p. R-4). The 1998 §303(D) List is accessible on the New Mexico Environment Department (NMED) web site at http://www.nmenv.state.nm.us/swqb/documents.html.

**References to Pollution Due To Agricultural Runoff**

GC-3 The New Mexico Environment Department is pleased that the State of New Mexico §303(d) List for Assessed Stream and Reaches was useful in preparation of this DEIS. The §303(d) List is a list of degraded stream segments with their probable sources of pollution and the specific pollutants causing the listing. The BLM somewhat misleadingly cited this list in stating that several BLM administered riparian areas are impacted by agricultural runoff. Agriculture as a source of pollutants on the §303(d) List has several categories, which are specified for each listed stream segment. The most common category in New Mexico is grazing ("rangeland"), which predominantly includes effects of grazing in upland areas (e.g., increased runoff and

**Response to GC-2:**

Changes to Table 3.2 have been made on the basis of the suggestions in the comment. Please see Appendix A of the FEIS (Volume 1).

**Response to GC-3:**

Your clarification was noted and has been incorporated into the HMP (Volume 2 of the FEIS).

GC-3 (cont.) erosion producing stream bottom deposits). This source of pollutants is indicated for the listed segments of Cow Creek, the Mora River, Manueles Creek, the Rio Ojo Caliente, the Rio de los Pinos, the Rio San Antonio, the Santa Cruz River above Santa Cruz Lake, and the Santa Fe River. Another category of agriculture, "irrigated crop production", is a listed cause of pollution (typically producing nutrients, turbidity, stream bottom deposits, and/or other effects) in Manueles Creek, the Rio de los Pinos, the Rio San Antonio, and the Santa Cruz River both above and below Santa Cruz Lake.

Note that this clarification indicates that information collected by BLM regarding observed impacts of grazing and irrigated agriculture on riparian areas largely corresponds with data collected by the State of New Mexico regarding water quality.

**Incorrect References to the §303(d) List**

GC-4 The Rio Nutrias and Rio Cebolla affected by the Taos Field Office are not the same Rio Nutria (a tributary of the Zuni River) and Rio Cebolla (a stream in the headwaters of the Jemez River) on the §303(d) List. Reference to the §303(d) List in the Riparian Area Detailed Discussions for these streams (pp. 3-35, 3-37) should therefore be removed. The Rio Nutrias and Rio Cebolla in the Rio Chama watershed may be included on the next §303(d) List, to be completed in 2000, pending analysis and publication of field data collected by NMED in 1999.

**Suggested Additional References To The §303(d) List**

GC-5 The §303(d) List includes additional information regarding probable sources of pollutants, specific pollutants produced by those sources, and designated uses for listed stream segments. For example, on the Rio San Antonio, silviculture, recreation, removal of riparian vegetation, and streambank modification are listed along with irrigated agriculture and grazing as sources of stream bottom deposits. The mechanisms of removal of riparian vegetation and streambank modification are not specified, but these are often the physical impacts of grazing cattle, particularly in unroaded areas.

**Rio San Antonio ACEC is within Rio San Antonio WSA**

GC-6 At least a portion of the San Antonio Gorge Area of Critical Environmental Concern is also within the Rio San Antonio Wilderness Study Area. The text in Section 3.13.15, first paragraph (p. 3-39) suggests that only the uplands are in the WSA.

**Alternatives: Substantive New Alternative Recommended by NMED**

GC-7 The stated goal of the BLM, in terms of riparian management, is "to restore and protect riparian habitats" under its jurisdiction (p. S-1). Alternative 3 (Grazing Management), which excludes livestock from riparian areas, "likely would have only a small adverse effect on the economies of New Mexico as a whole and northeastern New Mexico in particular" (Section 4.2.3.4, Socioeconomics, p. 4-28). It has been demonstrated that permanent removal of livestock from riparian areas results in the highest probability of successful recovery and that use of livestock grazing as a management tool for riparian recovery does not, under any management strategy, accelerate recovery faster than total exclusion (Kauffman et al. 1997). Alternative 2 (Adaptive Management), the preferred alternative, does not necessarily exclude livestock from riparian

**Response to GC-4:**

Your clarification was noted and has been incorporated in the HMP (Volume 2 of the FEIS).

**Response to GC-5:**

Because the comment is nonspecific, no response is possible; thank you for your comment.

**Response to GC-6:**

Your clarification was noted and has been incorporated in the HMP (Volume 2 of the FEIS).

**Response to GC-7:**

Alternative 2, Adaptive Management, is based on the modern business practices of goal setting, inventory and data collection to evaluate progress in achieving goals, and implementing corrective actions, if necessary, to meet the needs of individual riparian areas. Alternative 3, Grazing Management, was developed in response to public scoping input that clearly specified a need to exclude domestic livestock from riparian areas. Because Alternative 2 is clearly capable of allowing the BLM to implement a number of actions or sets of actions to improve riparian habitat, there is no need to revise Alternative 3 or to develop new alternatives.

GC-7 (cont.)

areas. However, under Alternative 2 the BLM "would assign the highest priority to...protecting and restoring the riparian habitats" (Section 4.2.2, Adaptive Management, p. 4-20) despite the acknowledgement that "[r]emoval of livestock even from those riparian areas that would be grazed under the Adaptive Management Alternative could hasten the development of those areas toward Proper Functioning Condition, provided that other management actions are taken" (Section 4.2.3.1, Attainment of Proper Functioning Condition, p.4-26). Alternative 3 does not specifically provide for "other management actions" but should. Alternative 3 should be revised to include other appropriate management actions or a new, more comprehensive alternative should be developed that is a synthesis of Alternatives 2 and 3.

## Environmental Consequences

### Compliance with State and Federal Environmental Regulations

Active restoration of riparian areas requires an understanding of watershed and geomorphic processes in the design process. Permitting procedures are in place in part to ensure that work in stream channels will achieve desirable goals with minimal undesirable consequences. Several riparian management practices listed in Table 2.1 (p. 2-6) may require dredge and fill permits from the U.S. Army Corps of Engineers under §404 of the Clean Water Act (CWA). These practices include construction of in-stream structures, some bank stabilization practices, construction of access sites on stream banks, and road construction or major maintenance (e.g., installation of culverts). Section 404 permits also require state approval under CWA §401 before work can commence. In New Mexico, state approval is promulgated under NMSA §74-6-5.

### Impacts of Proposed Action on Water Quality

GC-8

The alternative that best supports the stated goal of restoration and protection of riparian habitats will be most beneficial to water quality. As stated in Table S.1 (p. S-5), water quality is primarily a function of overall watershed condition. However, protection of riparian areas is likely to have a significant positive impact on the amount of pollutants, particularly sediment, in streams. For example, establishment and protection of vegetation will likely stabilize stream banks and reduce erosion; livestock exclusion from riparian areas will likely reduce stream bank trampling, thereby reducing sediment loading, and also reduce nutrient transport to surface water.

### Influence of Watershed Management on Riparian Areas

GC-9

The authors of the DEIS state (pp. S-2, 2-1, A-4) that segments of riparian areas under BLM jurisdiction are often only a small part of a larger area under other jurisdictions over which the BLM has no management responsibility or authority. By the same token, the BLM does have management responsibility for uplands influencing non-BLM administered riparian areas. Documented effects of land management activities (e.g., grazing, silviculture, fire management, road building and maintenance) on surface hydrology (especially infiltration, runoff, and erosion) can impact water quality and riparian health downstream in a watershed. Because these impacts primarily produce nonpoint source pollution loading, their remediation is voluntary under the CWA. Section 319(h) of the CWA outlines a grant program for nonpoint source pollution prevention projects which, in New Mexico, is managed by the Nonpoint Source Pollution Section

**Response to GC-8:**

The comment reflects an opinion; thank you for your comment.

**Response to GC-9:**

The BLM recognizes that the land it is responsible to manage is often connected to adjoining lands through functions and/or processes. Management programs worked out with the adjoining landowners are generally more effective and efficient than programs designed to address only public land management. It is BLM policy to strive for science-based programs developed through partnering and coordinated planning. Management activities will be implemented in careful and considered consultation, cooperation, and coordination with lessees, permittees, and others with a vested interest in the use and/or restoration and maintenance of riparian areas and watersheds

GC-9 (cont.) of NMED's Surface Water Quality Bureau. NMED encourages the BLM to respond to future requests for proposal for nonpoint source pollution prevention projects.

**Reference to the Soil Conservation Service**

GC-10 The next to last paragraph in Section 4.6 (Cumulative Impacts), p. 4-31, refers to the Soil Conservation Service. It is now known as the Natural Resources Conservation Service.

*References*

1. Kauffman, J.B. et al. 1997. An ecological perspective of riparian and stream restoration in the western United States. Fisheries 22(5):12-24.

2. U.S. Bureau of Land Management. 1998. The Rio Grande Corridor Proposed Plan and Final Environmental Impact Statement. BLM-NM-PL-98-006-1610. Taos Field Office, NM and San Luis Resource Area, Alamosa, CO.

3. U.S. Forest Service, U.S. Bureau of Land Management, and U.S. Army Corps of Engineers. 1990. Rio Chama Management Plan. USFS, Santa Fe, NM; BLM, Albuquerque, NM; USACE, Albuquerque, NM.

We appreciate the opportunity to comment on this document. If you have any questions on the above you may contact Mr. Gary Schiffmiller or Mr. Abe Franklin, from the Department's Surface Water Quality Bureau, at (505) 827-2470. Please let me know if you have any other questions on the above.

Sincerely,

Gedi Cibas, Ph.D.
Environmental Impact Review Coordinator

NMED File No. 1334(1)ER

**Response to CG-10:**

Comment noted. The correction has been incorporated in the FEIS (see Appendix A of Volume 1).

1553 Brookvale Drive #1
San Jose, CA 95129
February 2, 2000

Pam Herrera, Project Leader
BLM, Taos Field Office
226 Cruz Alta Road
Taos, NM 87571

REC'D FEB 7 2000

Dear Ms Herrera:

**DRAFT EIS FOR THE "RIPARIAN AND AQUATIC HABITAT MANAGEMENT PLAN": ADOPT ALTERNATIVE 3**

I commend you and the staff at the Taos Field Office for your initiative to restore the ecology of streams and environmentally sensitive areas on federal public lands under your jurisdiction.

EMS-1 I strongly urge that the BLM adopt **ALTERNATIVE 3** of the Draft EIS for the "Riparian and Aquatic Habitat Management Plan." That alternative will exclude grazing by domestic livestock in riparian areas. The presence of cattle is incompatible with the ecological health of those areas and with maintaining the diversity of plants and animals that depend upon them. We can best restore sensitive riparian and aquatic areas with the permanent removal of cattle.

Thank you for your kind consideration of my comments.

Respectfully,

Edward M. Smith

Edward M. Smith

**Response to EMS-1:**

Thank you for your comment. Your support for Alternative 3 is noted; see the response to Misc.1.

February 6, 2000

Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571-5983

'REC'D FEB 1 4 2000

Charles R. Sands
418 W. 40th Street
San Pedro, CA 90731

My Dear Fellow Americans,

CRS-1 Thank you for the opportunity to provide my views for consideration during the review of the of the draft EIS being produced by the Bureau with regard to New Mexico's riparian and riverine areas. As the stated mandate of the Bureau of Land Management is to "sustain the health, diversity, and productivity of the land and resources entrusted to us...based on the principles of multiple use and sustained yield" (BLM), the public is entitled to a comprehensive review of the factors involved. Of primary concern to a comprehensive review of the present situation is an analysis of the impact and costs associated with the provision of federal subsidies to furnish grazing land to private cattle industry interests.

CRS-2 Historically, the federal government has maintained a close and cooperative relationship with the cattle industry. Although that relationship may have fostered a certain amount of economic growth, the long-term costs associated with this use have been inadequately estimated. While the grazing of cattle on public lands accounts for a statistically small portion of the total feed requirement of the industry, it's impact on the ecosystems affected is significant and unquestionably detrimental. Bovine grazing causes manifold insults to sensitive areas. Of these, riparian zones are perhaps the most drastically affected. Eutrophication, streamside erosion, increased sediment loading secondary to cattle crossings, and the destruction of riverine and riparian vegetation by grazing are among the most disturbing of those impacts.

The long-term destruction of riparian habitats to support this non-essential industry practice is shortsighted. What will we tell our children when they ask us why we let entire species of fish such as the Silvery Minnow wink out of existence or what is was like to sit under a big old willow down on the river bank? Will our children accept our justification that a few cattlemen were more important than their birthright? I have spent much of my life in habitats such as those which we now have the opportunity to protect and preserve. I have watched as the banks crumbled into the river grown green with scum because a few ranchers were allowed to range their herds down to the river's edge. As the endemic fish and wildlife disappear from their former home, one is led to an inescapable conclusion. We are poorer as a species for their loss.

CRS-3 From a BLM perspective, the long-term costs associated with restoring sensitive riparian areas would appear to be out of step with the marginal benefits extracted from the historic land use. Furthermore, federally subsidized cattle grazing on public lands, when endangered species are threatened, is contrary to both the letter and the spirit of the Federal Endangered Species Act. Therefore, I urge BLM staff to support ALTERNATIVE 3 of the Draft EIS and

**Response to CRS-1:**

Because the comment is nonspecific, no response is possible. Thank you for your comment.

**Response to CRS-2:**

Because the comment is nonspecific, no response is possible. Thank you for your comment.

**Response to CRS-3:**

The HMP that is an outcome of the NEPA process is in full compliance with the ESA. The USFWS and the BLM have conducted informal and formal consultations related to the alternatives in the DEIS as part of the Section 7 process of the ESA. The HMP (Volume 2 of the FEIS) contains numerous actions that should assist in the recovery of habitat for threatened and endangered species and other species of special concern. Your support for Alternative 3 has been noted; see the response to Misc.1.

CRS-3 (cont.) voice it's support for removal of cattle from 400 miles of streams and wetlands in New Mexico.

My children and I thank you for the appropriate consideration which we are certain you will give to this vital issue. We look forward to a positive and appropriate resolution to this matter, which will allow our family to continue our special relationship with this land, which does, indeed, belong to us all.

Respectfully,

Charles R. Sands R.N.

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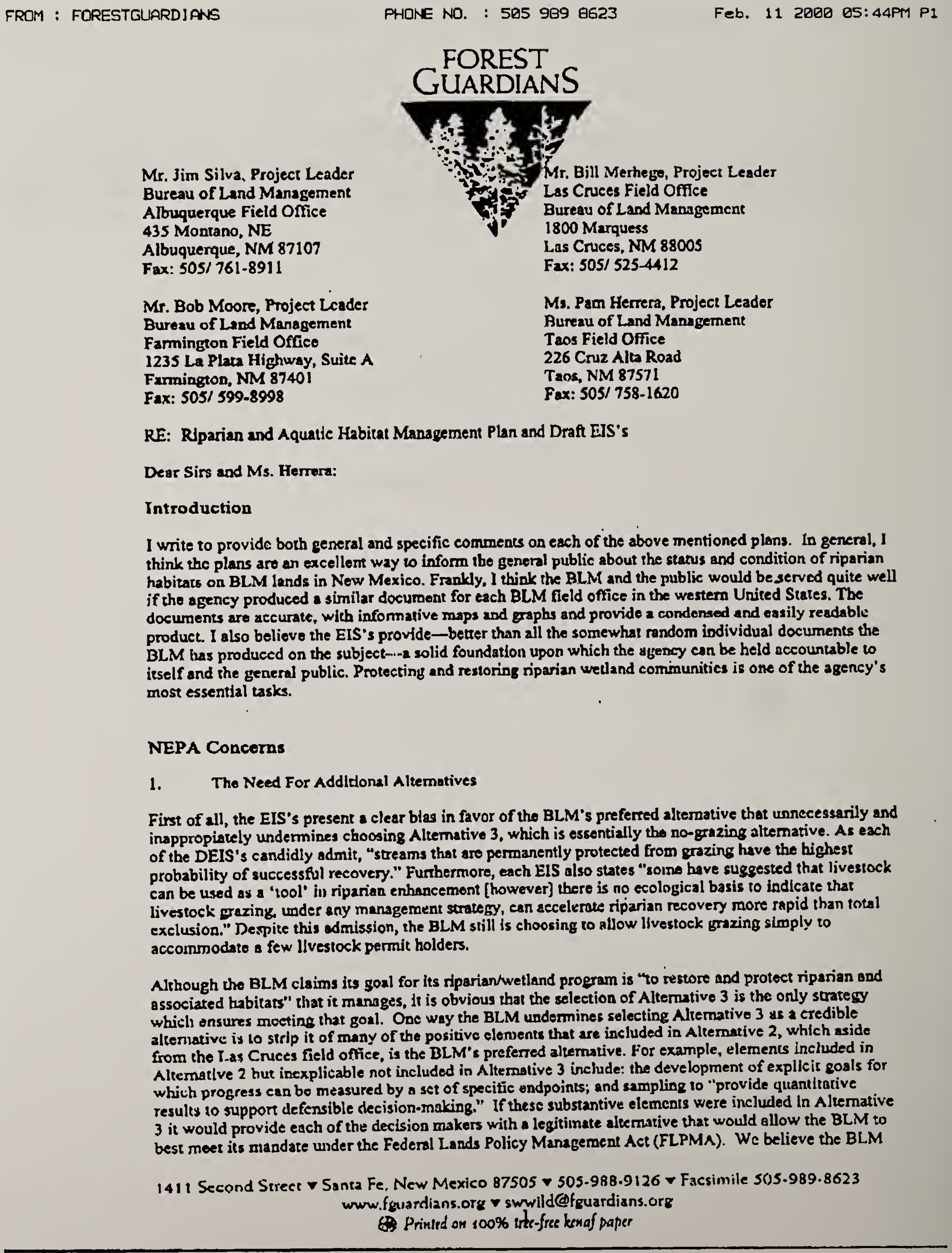

FROM : FORESTGUARDIANS PHONE NO. : 505 989 8623 Feb. 11 2000 05:44PM P1

FOREST
GUARDIANS

Mr. Jim Silva, Project Leader
Bureau of Land Management
Albuquerque Field Office
435 Montano, NE
Albuquerque, NM 87107
Fax: 505/ 761-8911

Mr. Bill Merhege, Project Leader
Las Cruces Field Office
Bureau of Land Management
1800 Marquess
Las Cruces, NM 88005
Fax: 505/ 525-4412

Mr. Bob Moore, Project Leader
Bureau of Land Management
Farmington Field Office
1235 La Plata Highway, Suite A
Farmington, NM 87401
Fax: 505/ 599-8998

Ms. Pam Herrera, Project Leader
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, NM 87571
Fax: 505/ 758-1620

RE: Riparian and Aquatic Habitat Management Plan and Draft EIS's

Dear Sirs and Ms. Herrera:

**Introduction**

I write to provide both general and specific comments on each of the above mentioned plans. In general, I think the plans are an excellent way to inform the general public about the status and condition of riparian habitats on BLM lands in New Mexico. Frankly, I think the BLM and the public would be served quite well if the agency produced a similar document for each BLM field office in the western United States. The documents are accurate, with informative maps and graphs and provide a condensed and easily readable product. I also believe the EIS's provide—better than all the somewhat random individual documents the BLM has produced on the subject—a solid foundation upon which the agency can be held accountable to itself and the general public. Protecting and restoring riparian wetland communities is one of the agency's most essential tasks.

**NEPA Concerns**

1. The Need For Additional Alternatives

First of all, the EIS's present a clear bias in favor of the BLM's preferred alternative that unnecessarily and inappropriately undermines choosing Alternative 3, which is essentially the no-grazing alternative. As each of the DEIS's candidly admit, "streams that are permanently protected from grazing have the highest probability of successful recovery." Furthermore, each EIS also states "some have suggested that livestock can be used as a 'tool' in riparian enhancement [however] there is no ecological basis to indicate that livestock grazing, under any management strategy, can accelerate riparian recovery more rapid than total exclusion." Despite this admission, the BLM still is choosing to allow livestock grazing simply to accommodate a few livestock permit holders.

JCH-1 Although the BLM claims its goal for its riparian/wetland program is "to restore and protect riparian and associated habitats" that it manages, it is obvious that the selection of Alternative 3 is the only strategy which ensures meeting that goal. One way the BLM undermines selecting Alternative 3 as a credible alternative is to strip it of many of the positive elements that are included in Alternative 2, which aside from the Las Cruces field office, is the BLM's preferred alternative. For example, elements included in Alternative 2 but inexplicable not included in Alternative 3 include: the development of explicit goals for which progress can be measured by a set of specific endpoints; and sampling to "provide quantitative results to support defensible decision-making." If these substantive elements were included in Alternative 3 it would provide each of the decision makers with a legitimate alternative that would allow the BLM to best meet its mandate under the Federal Lands Policy Management Act (FLPMA). We believe the BLM

1411 Second Street ▾ Santa Fe, New Mexico 87505 ▾ 505-988-9126 ▾ Facsimile 505-989-8623
www.fguardians.org ▾ swwild@fguardians.org
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**Response to JCH-1:**

Alternative 3, Grazing Management, was developed in response to the public scoping comments that stated that domestic livestock grazing is an inappropriate use of riparian areas and should not be allowed to occur at any time. The introductory discussion of alternatives in Chapter 2 of the DEIS pointed out that each of the alternatives is capable of accomplishing the objectives of protecting and improving riparian habitats under the BLM's jurisdiction. In addition, other land management activities will continue within the BLM field offices regardless of which alternative is selected for the management of riparian areas. These other management activities include application of the guidance provided in BLM *Manual Transmittal Sheet* 1737 – *Riparian-Wetland Area Management* (BLM 1992b) and TRs 1737-3 and 1737-5 through 1737-15 (BLM 1989; 1990; 1992a,c; 1993a,b; 1994a,b; 1996a,b; 1997; 1998a,b), which specifically apply to riparian area management practices. Although the application of that guidance is detailed in the overall context of adaptive management in the description of Alternative 2, the guidance would also apply to the other two alternatives. However, the distinction between Alternative 2 and Alternative 3 is one of flexibility. Alternative 2 allows for the design of allotment-specific strategies that apply to the management of domestic livestock and other activities in conjunction with an emphasis on riparian habitat restoration. Alternative 3 would simply exclude livestock use regardless of whether it could accommodate riparian management objectives.

The commenter is also suggesting a new alternative (i.e., the combination of Alternatives 2 and 3). The BLM is responsible for sound resource management. The FLPMA directs the BLM to manage resources for multiple uses, and livestock grazing is one of the multiple uses. The new alternative would require additional time and funding to develop and analyze; in addition, that alternative does not appear to be consistent with the mandates of the FLPMA or with historical land management practices of the BLM. Normally, the BLM does not stop the activities, but rather adjusts them so that management objectives can be achieved.

JCH-1 (cont.) should create an additional alternative, Alternative 4, which combines the best elements of Alternatives 2 and 3.

While each of the DEIS's provides a cursory discussion of the overall importance of watersheds to the functioning and health of riparian ecosystems, each ultimately fails to propose any management for uplands to ensure riparian recovery. This is unacceptable. As the BLM itself admits, riparian communities are inextricably linked to their surrounding uplands. There is a library full of scientific literature supporting the notion that riparian communities can not be managed independent of their watersheds. One of the best literature reviews of this subject is entitled "Improving Southwestern Riparian Areas Through Watershed Management," a US Forest Service General Technical Report, by Larry DeBano and Larry Schmidt.

I will share one brief section from that review which summarizes the need to include watershed management as a scientifically defensible part of any riparian management plan:

> In summary, healthy riparian areas reflect sound watershed conditions. Riparian areas provide the final natural treatment of watershed flows to filter sediments, remove nutrients, control water temperatures, and regulate base and flood flows. These areas must be considered in a watershed context, because all tributary effects accumulate to influence riparian health and stability. Upland watersheds in good condition absorb storm energies, regulate storm flows through the soil mantle, and, as a result, provide stability to the entire watershed. This, in turn, provides sustained flows necessary for supporting healthy riparian ecosystems. In contrast, abused watersheds have developed expanded channel networks in response to increased surface flows. These networks maintain undesirable flashy runoff and available sediment.

JCH-2 Despite the clear interdependence of riparian health on watershed condition, the riparian management plans and DEIS's have proposed nothing with respect to the watersheds surrounding BLM managed riparian areas. While many riparian areas the agency manages "are often only a small part of a larger area under other jurisdictions, over which the BLM has not management responsibility or authority," that does not excuse the BLM's neglect with respect to this critical issue. As the Farmington DEIS states: " BLM riparian areas are affected by the activities and quality of the watershed, and the health of the riparian area would contribute to the present conditions of the watershed, depending on the size, structure and location of the riparian area." Despite this clear admission nowhere is there a discussion of what watershed actions the BLM plans to take to ensure and expedite recovery of the riparian wetland ecosystems it does manage."

Furthermore, there are numerous watersheds such as the upper Rio Puerco, where the agency does, in fact, manage a large part of the surrounding watershed. As an example, as long as intermittent, ephemeral and dry washes in the Rio Puerco basin continue to be degraded and unstable, the proposed management actions in the Albuquerque Field Office Plan will not result in the full recovery of those riparian communities. The same is true to a lesser extent with numerous other watersheds/riparian communities where the BLM owns a significant portion land surrounding the riparian community.

We believe the BLM has a clear obligation to present an additional alternative, which addresses the need for an integrated approach to watershed/riparian management in order to manage exclusively for healthy riparian communities. The BLM's rhetoric in all of the agency riparian manuals clearly identifies the connection between watershed and riparian communities so silence on this matter in this matter is in an unacceptable circumstance.

2. Riparian Communities Excluded

JCH-3 In order for the public and the decision-maker to be accurately, the BLM must rely on the best available information. Each of the DEIS's inexplicably and unjustifiably has excluded numerous riparian communities. We find this very disconcerting, especially in light of the limited number of riparian/wetland communities that the agency manages.

Albuquerque Field Office

**Response to JCH-2:**

While there is no question that the upland portions of watersheds relate to the condition and function of the riparian elements of those watersheds, the scope of this EIS focuses on the riparian areas under BLM jurisdiction. Moreover, management strategies that are subsequently designed and implemented for the uplands would emphasize riparian habitat protection as a priority.

**Response to JCH-3:**

As additional wetland areas, including the ones mentioned in the comment, come to the attention of the BLM, they will be assessed for their riparian habitat values and, as appropriate, incorporated into the HMP (Volume 2 of the FEIS).

The number, scope and type of riparian/wetland communities excluded from the Albuquerque Field Office is the greatest. This could be due to the fact that we know the riparian communities best in this portion of the state. The following is a list of riparian communities not addressed in the EIS:

- Numerous playa lakes within and adjacent to the El Malpais National Conservation Area.
- Las Huertas Creek near the Santa Ana Pueblo and the community of Placitas.
- Various stretches along the main stem of the Rio Puerco, especially above and below the confluence with the Arroyo Chico.
- Peralta Canyon near Tent Rocks.
- Seccion Arroyo above the confluence with the Arroyo Chico.
- Rio Senorito above the 4 currently excluded areas and a perennial tributary.
- An intermittent tributary to the Rio Senorito.

In addition to the specific areas identified above we are stunned that the BLM chose to exclude numerous riparian areas that are in between riparian exclosures. These areas may be horribly overgrazed as I can attest after a recent visit to Senorito Creek, but they are nevertheless riparian habitats. I do not understand how the agency could exclude these areas from its list of riparian habitats.

Furthermore, after seeing places like Senorito Creek and a tributary stream to it excluded from the list, I simply wonder whether there are other similar areas the BLM has excluded. There is no doubt the BLM is aware of many of these riparian areas. However, it appears that identifying them in these riparian management plans would mean the BLM would be held accountable for their future management. I urge you to include these any and all other riparian areas in the next version of these plans. JCH-3 (cont.)

Las Cruces Field Office

The arbitrarily defined EIS boundary identified by the Field Office excludes numerous riparian communities on the east side of the Black Range and the west side of the Sacramento Mountains. While the BLM may believe that the scope of the DEIS's is to mirror the FWS biological opinions, we are not aware of this limitation. It would be a far more valuable document to the public and the agency itself if all riparian areas within the Field Office were included. Notwithstanding the above concerns, we are aware of 1 riparian community not addressed in the EIS.

- Old oxbow wetlands along the west bank of the Rio Grande 10 miles north of Las Cruces.

Taos Field Office

The Taos Field Office appears to have similarly excluded inclusion of riparian habitats along the Rio Grande and Rio Chama. We are aware of no justification or foundation for doing so. As stated above, we believe the document would be far more valuable if it is more inclusive.

Farmington Field Office

Unfortunately, we are unfamiliar with much of the public lands managed by the Farmington field office and thus are unable to offer constructive input about the adequacy and scope of the identification of riparian communities. We hope your list is inclusive.

**Federal Lands Policy Management Act Concerns**

JCH-4 The BLM's over-riding mandate with respect to any and all activities that it undertakes is to ensure that the agency pursues land management activities in a "combination [of uses] that will best meet the present and future needs of the American people" with a consideration to " the relative value of the resources." Notwithstanding the fact that each of the DEIS's clearly states this mandate (sec 2.4), there is absolutely no

**Response to JCH-4:**

We agree with your comment that the economic benefits of properly functioning riparian habitats are significant, and we have addressed those benefits in the HMP (Volume 2 of the FEIS).

discussion of the relative values of the riparian resources. For this reason, we believe the BLM's draft riparian management plans violate the substantive mandate of FLPMA.

There is no question that riparian communities are one of the most, if not the most, valuable assets the agency manages. The DEIS's each recognize the benefits of naturally functioning riparian ecosystems, not only for fish and wildlife, but also for water quality, flood control, recreation and other human-oriented benefits that are unrelated to livestock production. With that in mind, it is inexcusable for the BLM not to consider which of the proposed alternatives in the DEIS's best meets the needs of the American people considering the relative value of the resources.

JCH-4 (cont.)

The DEIS's do an adequate job of addressing the small economic impact of pursuing the no-grazing alternative as it would adversely affect livestock production, but utterly fail to address the economic benefits of the no-grazing alternative. For example, the Albuquerque DEIS states: "because of the limited amount of land made inaccessible, couple with continued access to vast amounts of other public lands for grazing, this impact is expected to negligible." (p. 4-39) In the case of the Farmington field office, the DEIS clearly shows that even when including the entirety of allotments that have any riparian habitat, a no-grazing alternative would effect a mere "840 head of livestock." (p.3-12) Despite these admissions of the relatively small adverse effects to livestock production of implementing the no-grazing alternative or for that matter the adaptive management alternative, there is no discussion of the economic benefits of a restored stream in terms of improved water quality, reduced flood damage, and greater fish and wildlife. The DEIS's are each fatally flawed without a more thorough discussion and analysis of the economic benefits of the no-grazing alternatives. Only with this information in hand, can the American public and the decision-maker make an informed decision about which alternative best meets the needs of the American people.

**Conclusion**

JCH-5

After reviewing each of the DEIS's it is clear that the documents are just that—drafts. We sincerely hope that you go back to the drawing board to make the plans more accurate and more informative. Finally, we also believe that Alternative 3—the no-grazing alternative is the one that best fits the needs of New Mexico residents and all Americans. Streams and wetlands are precious resources that should be managed to protect publicly valued resources such as clean water, fish and wildlife and recreational and aesthetic values. Thank you for your consideration. If you have any questions about these comments, please do not hesitate to contact me.

Sincerely,

John C. Horning
Watershed Protection Program
Forest Guardians

**Response to JCH-5:**

The BLM appreciates your comments and the others it has received on the DEIS and has incorporated them into the FEIS and the HMP. The BLM believes that the selection of Alternative 2, Adaptive Management, will result not only in protection, but in significant improvement, of the riparian habitats included in the scope of this document.

## 1.4 REFERENCES

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U.S. Bureau of Land Management, 1999, *Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico*, U.S. Department of the Interior, Bureau of Land Management, Taos Field Office, Taos, N.M., Oct.

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U.S. Fish and Wildlife Service, 1997, *Biological Opinion for the Southwestern Willow Flycatcher in the Taos Resource Area,* Albuquerque Regional Office, Albuquerque, N.M.

# 2 DESCRIPTION OF HABITAT MANAGEMENT PLAN

The purpose of the HMP presented in Volume 2 is to provide guidance for the restoration and protection of riparian and aquatic habitats under the jurisdiction of the BLM in the Taos Field Office, New Mexico. The management goals are to maintain, restore, improve, protect, and expand riparian areas so that they are in PFC for their productivity, biological diversity, and sustainability. These goals will be accomplished when all designated riparian areas are in PFC, and all threatened and endangered species habitat requirements have been established.

Although the BLM has been actively managing riparian habitats in pursuit of this goal for over a decade, the need to place special emphasis on these important resources was triggered by legal action against the BLM. The lawsuit was settled when the BLM agreed to complete an EIS for Riparian and Aquatic Habitat Management in the Taos Field Office, including a HMP. The HMP is not specifically intended to be implemented under the authority of the Sikes Act. In addition, the management strategies provided in the HMP will apply to subsequently identified riparian, wetland, and spring/seep areas under BLM jurisdiction in the Taos Field Office.

The development of a HMP on the basis of Alternative 2, Adaptive Management, allows the Taos Field Office to implement a set of management actions specific to each riparian area following a common management strategy, the primary goals of which are the restoration and protection of riparian and aquatic areas.

# APPENDIX A:

# ADDENDUM TO THE TAOS FIELD OFFICE DRAFT EIS

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This addendum provides corrections to the text and figures of the *Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico* (DEIS). It also provides supplemental information to the DEIS.

***Page 1-2:***

Section 1.2: The following text should be added to the end of the second paragraph: "Any future riparian areas that are identified or developed within the Taos Field Office area will be managed in accordance with the Riparian and Aquatic HMP in the Final EIS."

***Page 3-7***:

Table 3.2: Footnote "a" should read "Notes: TMDL Segment = river miles for which total maximum daily load (TMDL) analysis must be completed; TMDL Schedule = the mandatory year of completion by the New Mexico Environment Department (NMED) or the U.S. Environmental Protection Agency (EPA) of a TMDL document describing the causes (water quality parameters) and sources (discharges and land use activities) of non-support (causes of non-support = water quality parameters for which the water quality of TMDL segments does not support their designated uses); NPDES Permits = discharge permits issued under the National Pollution Discharge Elimination System (NPDES); Water Supply Systems = regulated drinking water supply systems in the watershed that depend on surface water; COE Sec. 404 Permits = the number of actions (information provided, public meetings, field inspections, and permits issued by the U.S. Army Corps of Engineers [COE]) regarding Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act; USGS Stations = U.S. Geological Survey (USGS) stream gauging stations in the hydrologic unit."

***Page 3-25***:

Section 3.13.4: The Cieneguilla riparian area should be deleted because it was covered in the Rio Grande Corridor Proposed Plan.

***Page 5-2***:

Section 5.3: New Mexico Environment Department should be added to the New Mexico State Government list.

***Page 5-2:***

Section 5.3: New Mexico Soil Conservation Districts should be included in the listing under New Mexico State Government and deleted from the listing under Nongovernment Organizations.

# APPENDIX B:

# BIOLOGICAL EVALUATION FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT

# APPENDIX B:

# BIOLOGICAL EVALUATION FOR RIPARIAN AND AQUATIC HABITAT MANAGEMENT

## B.1 INTRODUCTION

This biological evaluation has been prepared to analyze the potential impacts on federally listed species and other special concern species from the preferred alternative identified in the main text of this Final Environmental Impact Statement (FEIS) for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico. This FEIS addresses the U.S. Bureau of Land Management's (BLM's) Adaptive Management Alternative proposed for 19 riparian areas within Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties.

Fifteen federally listed, proposed, and candidate species are known to occur, or have the potential to occur, within the seven counties of the Taos Field Office area (U.S. Fish and Wildlife Service [USFWS] 1999a). In addition, a number of other state-listed and/or BLM-sensitive species are reported from these seven counties. It is BLM policy to consider state-listed and BLM-sensitive species in its planning efforts. However, the habitats required or preferred by these species may not occur within the specified riparian and aquatic habitats or associated upland allotment areas addressed in this FEIS. The potential for the presence of these species on lands that could be affected by the preferred alternative and any potential impacts on these species and their habitats resulting from implementation of the preferred alternative are examined in this biological evaluation.

### B.1.1 Project Description and Alternatives

The Draft EIS (DEIS) (BLM 1999b) assessed the potential impacts of three alternative management strategies developed by the BLM for restoring and protecting riparian and aquatic habitats under the jurisdiction of the Taos Field Office. For over a decade, the BLM has emphasized the restoration and protection of streamside riparian areas for the benefit of threatened and endangered species as well as for other riparian-dependent species. Each alternative is capable of accomplishing the proposed action of restoring and protecting riparian and aquatic habitats. The alternatives presented in the DEIS were as follows:

- *Alternative 1: Current Management (No Action Alternative)* – Continue to manage riparian areas in accordance with applicable BLM guidance with the objective of restoring and protecting such areas in context with authorizing other land management activities. Current management has already restored some riparian areas either by removing domestic livestock from selected riparian areas completely or by implementing other management practices during the growing season.

- *Alternative 2: Adaptive Management (Preferred Alternative)* – Assign highest priority to implementing those management practices identified in current BLM management guidance to restore and protect all riparian habitats under BLM jurisdiction. This alternative would require a specific focus on riparian management; decisions regarding other land management activities would be constrained to limit or prevent any adverse impacts on riparian areas.

- *Alternative 3: Grazing Management* – Eliminate grazing by domestic livestock in riparian areas by modifying grazing allotments to exclude such areas. For each allotment affected, this action would include changing the description of the allotment, installing fences or other physical barriers to prevent livestock from entering riparian areas, and, if appropriate, adjusting the number of livestock permitted to use the modified allotment.

Information presented in this FEIS underscores the fact that riparian habitats are critical components of the ecosystem; however, they are very small areas in relation to the large amount of land administered by the BLM. In addition, segments of riparian areas under BLM jurisdiction are often only small parts of larger areas under jurisdictions over which BLM has no management responsibility or authority. This observation is central to gaining an appreciation for the important, but limited, role that the BLM plays in improving and protecting riparian habitats in New Mexico.

### B.1.2 Species Identification

The following evaluations prepared by the Taos Field Office are presented in two major parts. Section B.2 evaluates federally listed threatened, endangered, proposed, and candidate species, as identified by the USFWS (1999a) (Table B.1). The BLM has determined, on the basis of this biological evaluation, that the implementation of Adaptive Management for riparian and aquatic habitats would result in the following determinations for these species: *"No Effect"* or *"May Affect – Not Likely to Adversely Affect."*

Section B.3 evaluates the impacts associated with the implementation of Adaptive Management for riparian and aquatic habitats on state-listed and BLM-sensitive species. Impacts to these species are also determined to be *"No Effect"* or *"May Affect – Not Likely to Adversely Affect."*

Unless indicated otherwise, much of the information presented on the life history, distribution, and habitat of the evaluated species was derived from the *Inventory of Rare and Endangered Plants of New Mexico* (Sivinski and Lightfoot 1995) and from the *BISON-M (Biota Information System of New Mexico)* (New Mexico Department of Game and Fish [NMDG&F] 1997).

### B.1.3 Cumulative Impacts

In this context, cumulative effects are those effects of the proposed action plus effects from future nonfederal (state, local government, or private) activities on endangered, threatened, or other species of special concern or critical habitats that are reasonably certain to occur in the foreseeable future. These activities include recreational uses, private subdivision construction, livestock grazing, farming, resource extraction, silviculture, and road construction. Refer to the species evaluations in Sections B.2 and B.3 for an analysis of cumulative impacts for each species.

## TABLE B.1 Status of Listed Species Occurring or with the Potential to Occur in the Taos Field Office Area

| Common Name | Scientific Name | Status[a] | Counties[b] | Habitat |
|---|---|---|---|---|
| Big free-tailed bat | *Nyctinomops macrotis (= Tadarida m., T. molossa)* | SC | LR | Habitat for the big free-tailed bat is coniferous and mixed woodland and may include rabbitbrush riparian habitats. |
| Black-footed ferret | *Mustela nigripes* | E | CLMRSFT | The last confirmed report of a black-footed ferret in New Mexico was in 1934. It is closely associated with prairie dog communities in mixed shrub habitat type. |
| Black-tailed prairie dog | *Cynomys ludovicianus* | C | CMS | Grassland plains and other upland areas that have soils that are easily excavated. |
| Fringed myotis | *Myotis thysanodes* | SC | CMSFT | The fringed myotis inhabits mid-elevation grasslands and mixed conifer woodlands. It feeds on invertebrates over water. |
| Goat Peak pika | *Ochotona princeps nigrescens* | SC | LR | Habitat for the Goat Peak pica is alpine and subalpine talus slopes and boulder fields. |
| Long-eared myotis | *Myotis evotis* | SC | CRST | The long-eared myotis is found in ponderosa pine and mixed conifer habitats near surface water. |
| Long-legged myotis | *Myotis volans* | SC | CLMRSFT | The long-legged myotis occurs in coniferous and deciduous woodlands and sycamore, cottonwood, and rabbitbrush riparian habitats. |
| New Mexican meadow jumping mouse | *Zapus hudsonius luteus* | SC | CLMRSFT | Habitat for the New Mexican meadow jumping mouse is primarily riparian, with dense herbaceous vegetation in open prairies. |
| Occult little brown bat | *Myotis lucifugus occultus* | SC | CLMRSFT | The occult little brown bat occurs in ponderosa pine and mixed conifer habitats near permanent water. It feeds on aquatic insects over or near water. |
| Pale Townsend's (= western) big-eared bat | *Plecotus townsendii pallescens* | SC | MRSFT | Pale Townsend's big-eared bat occurs in desert scrub, sagebrush, chaparral, and coniferous and deciduous forests. It feeds on insects associated with stream corridors. |
| Pecos River muskrat | *Ondatra zibethicus ripensis* | SC | S | Habitat for the Pecos River muskrat includes riverside marshes and lakes in the Rio Grande and Pecos River basins. |
| Small-footed myotis | *Myotis ciliolabrum* | SC | RSFT | The small-footed myotis occurs in coniferous and mixed woodland and montane coniferous forest. It is commonly found in willows and other riparian habitats. |
| Southwestern otter | *Lutra canadensis sonorae* | SC | RT | The southwestern otter has been reported from the upper Rio Grande but may have been extirpated from New Mexico. It is associated with permanent water with overhanging vegetation. |

## TABLE B.1 (Cont.)

| Common Name | Scientific Name | Status[a] | Counties[b] | Habitat |
|---|---|---|---|---|
| Spotted bat | *Euderma maculatum* | SC | LMRSFT | Habitat for the spotted bat is subalpine coniferous forest meadows. It forages over water and is found in riparian habitat. |
| Swift fox | *Vulpes velox* | C | CMS | Habitat for the swift fox is grassland with a large rodent population, on which this species preys. |
| Yuma myotis | *Myotis yumanensis* | SC | MRSFT | The Yuma bat forages over water and is found in desert, grassland, woodland, and corresponding riparian communities. |
| American peregrine falcon | *Falco peregrinus anatum* | SC | CLMRSFT | Peregrine falcons are typically found on rocky, steep cliffs near rivers or other large water bodies, but thcy may use snags for nesting and perching in some cases. They prefer elevations from 6,500 to 8,599 feet, but they may be found from 3,500 to 9,000 feet. |
| Arctic peregrine falcon | *Falco peregrinus tundrius* | SC | CLMRSFT | In New Mexico, the tundra subspecies of *Falco peregrinus, F.p.tundrius*, is a very rare migrant through the state. |
| Baird's sparrow | *Ammodramus bairdii* | SC | CMRSFT | This bird occurs as a migrant in New Mexico but may be a winter resident in Hidalgo County in the southern part of the state. It occurs in prairies and mountain meadows. |
| Bald eagle | *Haliaeetus leucocephalus* | T | CLMRSFT | The bald eagle migrates through the Taos Field Office area. Roosting habitat for the bald eagle typically includes large trees along perennial streams or lakes. The Canadian River, Carrizo Creek, and Mora River riparian areas provide winter foraging habitat. |
| Black tern | *Chlidonias niger* | SC | CRS | The black tern migrates through New Mexico. It occurs in desert riparian deciduous woodlands and prefers cottonwoods. |
| Brown pelican | *Pelicanus occidentalis* | E | S | Rare visitors to the state, most brown pelicans found in New Mexico occur primarily as immature-aged wanderers during the summer-fall seasons. Records can be found from 13 New Mexico counties, with most from large lakes or along major rivers, including the San Juan, Gila, Rio Grande, and Pecos drainages. |
| Ferruginous hawk | *Buteo regalis* | SC | CLMRSFT | The ferruginous hawk nests in prairies and open grassland or grassland/shrub, often near prairie dog towns. Nests are in or on trees, shrubs, ledges, riverbanks, or hillsides. |

## TABLE B.1 (Cont.)

| Common Name | Scientific Name | Status[a] | Counties[b] | Habitat |
|---|---|---|---|---|
| Interior least tern | *Sterna antillarum* | E | R | This colonial nesting waterbird breeds in southeastern New Mexico and is a rare vagrant in the Taos Field Office area. It feeds on or adjacent to water. |
| Harlequin duck | *Histrionicus histrionicus* | SC | RT | The harlequin duck occurs is accidental in New Mexico and has been seen on lakes and reservoirs. It may also occur along streams. |
| Loggerhead shrike | *Lanius ludovicianus* | SC | CLMRSFT | Nesting habitat for the loggerhead shrike includes sagebrush, desert scrub, and pinyon-juniper woodlands. It frequently occurs in open country with shrubs and desert saltgrass, interspersed with pastures, grasslands, and hayfields. |
| Mexican spotted owl | *Strix occidentalis lucida* | T | CLMRSFT | Primary spotted owl habitat consists of mixed conifer dominated by Douglas-fir, pine, or true fir and pine-oak forests. Secondarily selected habitats include such features as steep, narrow canyons with cliffs and a perennial water source. Such canyon habitats generally include conifer or riparian forests or clumps of trees, but also may be sparsely vegetated. |
| Mountain plover | *Charadrius montanus* | PT | CMSFT | The mountain plover is a grassland species that breeds in New Mexico and winters from central California and northern Mexico east to south Texas. In New Mexico, it breeds locally in dry, open, shortgrass prairie habitats and migrates through the state. A free water source is not necessary. |
| Northern goshawk | *Accipiter gentilis* | SC | CLMRSFT | The northern goshawk nests in mature coniferous forest at elevations up to 5,500 feet on mountains and high mesas within 0.25 mile of water. It also occurs in deciduous woodlands. It prefers large trees, dense canopies, and north-facing slopes. |
| Piping plover | *Charadrius melodus* | T | C | In New Mexico, the piping plover is a rare spring migrant. Foraging habitat during migration includes sand beaches and mudflats. |
| Southwestern willow flycatcher | *Empidonax traillii extimus* | E | CLMRSFT | The southwestern willow flycatcher nests in riparian habitats along rivers, streams, or other wetlands, where dense growths of willows or other woody plants are present, often with a scattered overstory of cottonwood. |
| Western burrowing owl | *Athene cunicularia hypugea* | SC | CMS | The western burrowing owl nests in abandoned mammal burrows in grasslands, prairies, and open areas. |

## TABLE B.1 (Cont.)

| Common Name | Scientific Name | Status[a] | Counties[b] | Habitat |
|---|---|---|---|---|
| White-faced ibis | *Plegadis chihi* | SC | CLMRSFT | The white-faced ibis occurs as a migrant along shorelines and marshes adjacent to open water, up to 5,500 feet in elevation. It is generally associated with cattails, rushes, and occasionally shrubs and trees. |
| Whooping crane | *Grus americana* | XN | LRSFT | Whooping cranes occur as rare migrants in the Taos Field Office area. Roosting habitat includes the shallow water of rivers, lakes, and other wetlands and riverine sandbars. Feeding habitat includes wetlands and agricultural fields. |
| Yellow-billed cuckoo | *Coccyzus americanus* | SC | CLMRSFT | Habitat for the yellow-billed cuckoo includes lowland deciduous woodland, willow and alder thickets, and second- growth woods. Nesting sites include riparian woodlands. |
| Texas horned lizard | *Phrynosoma cornutum* | SC | CMSF | The Texas horned lizard is terrestrial and prefers flat, open, dry areas with little vegetation. |
| Boreal western toad | *Bufo boreas boreas* | C | R | In New Mexico, boreal western toads have been found only in high-elevation (above 8,500 feet) mountain ponds and lakes. |
| Jemez Mountains salamander | *Plethodon neomexicanus* | SC | LR | The Jemez Mountains salamander inhabits mixed conifer and spruce-fir forest above 7,200 feet and talus slopes. |
| Arkansas River shiner | *Notropis girardi* | T | CMS | The Arkansas River shiner inhabits the main channels of wide, shallow, sandy-bottomed rivers and large streams. |
| Colorado pikeminnow | *Ptychocheilus lucius* | E | R | The main stem of the San Juan River is the only habitat for the Colorado pikeminnow in New Mexico. |
| Flathead chub | *Platygobio (= Hybopsis) gracilis* | SC | CLMRSFT | The flathead chub occurs in turbid water within the main channels of large streams. It is found in the Rio Grande, Pecos, and Canadian drainages. |
| Plains minnow | *Hybognathus placitus* | SC | CS | The plains minnow occurs in the Canadian and Dry Cimarron drainages, along the main channels and portions of tributaries. It prefers sandy river bottoms. |
| Rio Grande silvery minnow | *Hybognathus amarus* | E | RF | Habitat for the Rio Grande silvery minnow is large, low-gradient streams with shifty sand or silty bottoms. |
| Roundtail chub | *Gila robusta* | SC | R | The roundtail chub occurs in pools of large rivers and in reservoirs. In Rio Arriba County, it is found in the San Juan River. |

## TABLE B.1 (Cont.)

| Common Name | Scientific Name | Status[a] | Counties[b] | Habitat |
|---|---|---|---|---|
| Cockerell's striate disc (snail) | *Discus shemeki cockerelli* | SC | T | Habitat for the Cockerell's striate disc is spruce-fir forest, between 7,000 and 12,000 feet in elevation. |
| New Mexico silverspot butterfly | *Speyeria nokomis nitocris* | SC | LMST | Habitat for the New Mexico silverspot butterfly includes moist meadows, seeps, marshes, and streamsides. |
| Sangre de Cristo peaclam | *Pisidium sanguinichristi* | SC | T | The only known population of the Sangre de Cristo peaclam is a single high-elevation lake in the Sangre de Cristo Mountains. |
| Arizona willow | *Salix arizonica* | SC | RT | Arizona willow occurs in wet meadows, along streamsides, and in cienegas above 8,000 feet in elevation. Arizona willow prefers full sun or partial shade. |
| Chiricahua dock | *Rumex orthoneurus* | SC | SFT | Chiricahua dock is a riparian species of perennial springs and streams in shaded canyons. |
| Dwarf milkweed | *Asclepias uncialis* var. *uncialis* | SC | CS | Dwarf milkweed occurs in short-grass prairie and coniferous woodland. |
| Holy Ghost ipomopsis | *Ipomopsis sancti-spiritus* | E | S | This ipomopsis occurs on canyon slopes only in Holy Ghost Canyon in Santa Fe National Forest. |
| Ripley's milkvetch | *Astragalus ripleyi* | SC | RT | Ripley's milkvetch occurs in open ponderosa pine savannas and the edges of ponderosa pine, mixed conifer, or pinyon- juniper woodlands. |
| Santa Fe cholla | *Opuntia viridiflora* | SC | F | The Santa Fe cholla occurs on south- and west-facing slopes in pinyon-juniper woodlands near 7,200 feet in elevation. |

[a] C = candidate for federal listing; E = federally listed as endangered; PT = proposed for federal listing as threatened; SC = species of concern (includes state-listed species and species listed by BLM as sensitive); T = federally listed as threatened; XN = nonessential experimental.

[b] County codes: C = Colfax, F = Santa Fe, L = Los Alamos, M = Mora, R = Rio Arriba, S = San Miguel, T = Taos. (Refers only to New Mexico counties within the Taos Field Office area.)

## B.2 FEDERALLY LISTED SPECIES

### B.2.1 Black-Footed Ferret (*Mustela nigripes*)

***Distribution and Ecology:*** The black-footed ferret is generally associated with prairie dog towns in grassland plains, semiarid grasslands, and adjacent mountain basins. It is believed that the black-footed ferret was extirpated from New Mexico, since it has not been seen in the wild since 1934. However, a captive breeding project was initiated in 1998 at the Vermejo Park Ranch near Raton, Colfax County (BLM 1999a).

The black-footed ferret was severely affected by a decline in prairie dog colonies resulting from prairie dog poisoning programs. This species also has been affected by land use practices that converted plains to agricultural and urban areas (BLM 1999a).

No prairie dog colonies of the size necessary to support black-footed ferrets (over 80 acres) occur on any of the allotments associated with the riparian areas. Livestock grazing is benign or beneficial to prairie dog colony development. The prairie dog population within Taos Field Office lands appears to be stable, although it fluctuates on a regular basis, primarily because of sylvatic plague (BLM 1999a).

***Effects Determination:*** On the basis of the analysis that suitable habitat (e.g., large prairie dog colonies) does not exist on allotment uplands and that riparian areas do not provide black-footed ferret habitat (coupled with the fact that the black-footed ferret has been extirpated from New Mexico), the BLM has determined that implementation of Adaptive Management would result in *"No Effect"* on the black-footed ferret. No current or potential habitat exists within any of the specified riparian areas nor their associated upland areas within the allotments to support the black-footed ferret. Because the proposed action has *"No Effect"* on the black-footed ferret, there would be no incremental increase in the existing or foreseeable future cumulative impacts within the Taos Field Office for this species due to this action.

### B.2.2 Black-Tailed Prairie Dog (*Cynomys ludovicianus*)

***Distribution and Ecology.*** The black-tailed prairie dog historic range included 11 states, Canada, and Mexico. The species is currently present in 10 states, including New Mexico. Historically, the black-tailed prairie dog occupied 6,640,000 acres of habitat in New Mexico; today, however, it is estimated that there are only 39,000 acres of occupied habitat. This species is generally associated with grassland plains and other upland areas that have soils that are easily excavated. Riparian/wetland habitats have not been identified as being utilized by this species (USFWS 2000a).

Within the Taos Field Office, Colfax, Mora, and San Miguel Counties are considered potential habitat for this species (USFWS 2000b).

The black-tailed prairie dog is a very social species and lives in large populations called colonies or towns. Historically, these colonies contained thousands of individuals and covered hundreds of thousands of acres; today these colonies are much smaller and widely scattered (USFWS 2000a).

The three major impacts that have had a substantial influence on black-tailed prairie dog populations include (1) conversion of prairie grasslands to croplands, (2) large-scale control efforts to reduce competition between prairie dogs and livestock, and (3) sylvatic plague. Habitat loss and control efforts appear to be the major factors that caused an overall reduction of this species habitat in the late 19th and early 20th centuries. However, it is believed that sylvatic plague is the most likely factor for recent reductions in the overall prairie dog population (USFWS 2000a).

***Effects Determination:*** Since the black-tailed prairie dog does not use riparian areas as habitat and the three major impacts affecting this species are not associated with the management of riparian/wetland habitats, the BLM has determined that riparian and aquatic habitat management for the specific riparian areas would result in *"No-Effect"* on the black-tailed prairie dog. Riparian and aquatic habitat management would protect and enhance riparian areas along the tributaries of the Rio Grande. Although such management practices would benefit many wildlife species and resources within the project area, it is not expected that such efforts would provide measurable benefits to the black-tailed prairie dog. Because riparian and aquatic habitat management would have *"No Effect"* on the black-tailed prairie dog, there would be no incremental increase in the existing or foreseeable future cumulative impacts with the Taos Field Office for this species due to this action.

### B.2.3 Swift Fox (*Vulpes velox*)

***Distribution and Ecology:*** Foraging and burrowing habitat for this species is primarily short- or mid-grass climax or subclimax grasslands. Swift fox prey on rodents, which are also the most limiting factor for this species' population. Swift fox are most common in areas of soft soils and large rodent populations. Threats to the species include conversion of prairie grassland habitat to cultivation or development, inadvertent poisoning, rodent control, indiscriminate hunting, and capture by dogs. Sharp population declines occurred with prairie settlement beginning in the late 1800s. The species' range includes New Mexico from the Pecos River, east to Texas and Oklahoma (BLM 1999a). Within the Taos Field Office area, the swift fox occurs in Colfax, Mora, and San Miguel Counties.

***Effects Determination:*** Swift fox may occur in upland areas near riparian areas managed by the Taos Field Office. However, riparian habitat management would not be expected to adversely affect populations of rodents, which are the prey species of the swift fox. Therefore, the BLM has determined that management would result in a *"May Affect – Not Likely to Adversely Affect"* situation for the swift fox. The proposed action also would not result in the conversion of grassland habitat to agriculture or development. The cumulative impacts presently existing (e.g., federal, private, state activities) for this species would not change due to this action.

### B.2.4 Bald Eagle (*Haliaeetus leucocephalus*)

***Distribution and Ecology:*** Bald eagles are usually associated with medium to large perennial streams, rivers, and other water bodies that provide an adequate prey base and appropriate nesting/roosting habitat. Outside of the major river corridors (e.g., Rio Grande), the bald eagle has been observed as a migrant only because of the lack of such habitat (BLM 1999a). Winter and migrant populations seem to have increased in New Mexico. Mid-winter numbers averaged about 430 birds per year between 1990 and 1994. Only two pairs were known to nest in the state. Key habitat areas include winter roost and concentration areas. Optimal habitats center on riparian and lacustrine environments where food, shelter, and potential nest sites are in the greatest supply.

Bald eagles require large trees or cliffs near water where a good supply of fish, waterfowl, or carrion is available. Jackrabbits and other mammals are also taken, especially by "dry land" eagles. These eagles most notably occur between the Pecos Valley and the Sandia, Manzano, Capitan, and Sacramento Mountains, and on the Mogollon Plateau.

Bald eagle declines were caused by pesticide-induced reproductive failure, loss of riparian habitat, and human disturbance (e.g., shooting, poisoning, and trapping).

The bald eagle occurs in all seven of the counties in the Taos Field Office area. Three riparian areas (Canadian River, Carrizo Creek, and Mora River riparian areas) provide winter foraging habitat for the bald eagle.

*Effects Determination:* Increased reproduction and growth of woody vegetation as a result of implementation of the proposed action may potentially increase the occurrence of mature trees within some riparian areas. This condition would be expected to be beneficial for bald eagles, which often use large riparian trees such as cottonwoods for roosting. Improved function of riparian habitat would also be beneficial to fish species within the associated streams, thereby increasing the amount of prey available for the bald eagle. The cumulative impact associated with the *"May Affect – Not Likely to Adversely Affect"* determination would be an increase in roosting habitat and prey for the bald eagle.

### B.2.5 Brown Pelican (*Pelicanus occidentalis*)

*Distribution and Ecology:* The brown pelican breeds on sea coasts and occurs mainly as a vagrant within the inland United States. The brown pelican population was greatly reduced over much of its U.S. range, largely because of pesticide contamination of the fish species it takes as prey. Although the species has experienced a comeback in many coastal areas, populations west of Mississippi have remained endangered. The brown pelican is rare throughout New Mexico, and occurrences are typically composed of immature birds. In the Taos Field Office area, the brown pelican has been known to occur only in San Miguel County, where it is an occasional transient.

*Effects Determination:* Nesting habitat for the brown pelican does not exist within the Taos Field Office area; thus, the implementation of the proposed action would not affect the species. Because the proposed action has *"No Effect"* on the brown pelican, there would be no incremental increase in the existing or foreseeable future cumulative impacts within the Taos Field Office for this species due to this action.

### B.2.6 Interior Least Tern (*Sterna antillarum*)

*Distribution and Ecology:* The interior least tern historically occurred along the major river systems of the midwestern United States, including the Red, Rio Grande, Arkansas, Missouri, Ohio, and Mississippi River systems. It now occurs in small remnant colonies. In New Mexico, it is found mainly in the southeastern part of the state, in and around Bitter Lake National Wildlife Refuge. It is an occasional migrant to other counties in the state and would be considered a rare vagrant within the Taos Field Office area. In the seven-county area, it has been known to occur only in Rio Arriba County.

The interior least tern is a colonial nesting shorebird. It is associated with water, although it spends much of its time on sand bars and playas, snatching its food from the surface of the water. It feeds primarily on fish, although it also consumes crustaceans and insects. Riverine nesting areas are sparsely vegetated sand and gravel bars within a wide, unobstructed river channel, or salt (alkali) flats along the shorelines. Although potential nesting habitat may occur along the Rio Grande, riparian areas along the Rio Grande are outside the scope of this FEIS. Foraging habitat may potentially exist within or adjacent to riparian areas considered in this FEIS.

Channelization, irrigation, and the construction of reservoirs and pools have contributed to the elimination of much of the interior least tern's nesting habitat. In addition, recreational use of sand bars along rivers and lakes, environmental contamination, and predation have adversely affected the interior least tern. Its habitat is susceptible to unpredictable water discharge patterns below dams that could flood nesting areas and to overgrowth of brush and trees along shorelines. Adverse management practices include creation of reservoirs, channelization, allowing altered vegetation succession, and allowing recreation on sandbars.

***Effects Determination:*** The interior least tern is only a rare vagrant within the Taos Field Office area. No current or potential breeding habitat exists within any of the riparian areas under the management of the Taos Field Office, and within the scope of this FEIS, to support the interior least tern. Foraging habitat may potentially exist within or adjacent to riparian areas. Therefore, the BLM has determined that implementation of riparian and aquatic habitat management would result in a *"May Affect – Not Likely to Adversely Affect"* situation for the interior least tern. The cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.2.7 Mexican Spotted Owl (*Strix occidentalis lucida*)

***Distribution and Ecology:*** The Mexican spotted owl occupies mountainous areas and its preferred habitat consists of dense, multistoried forests with moderately closed to closed canopies (e.g., mature and old growth forests). These owls have also been observed in canyon systems, which appear to provide the same or similar microclimate as the dense multistoried forests (BLM 1999a). Mexican spotted owls use a variety of montane forest types, ranging from deciduous riparian woodlands, through pinyon-juniper, pine-oak, mixed conifer (dominated by Douglas-fir, pine, or true fir), and spruce-fir. Its breeding habitat is limited to forest communities, often late-seral-stage conifer forests of high commercial value. Home range for a single owl averages more than 1,600 acres, while the home range for a nesting pair averages more than 2,090 acres. Most nest trees are selected on moderate to steep slopes at elevations ranging from 6,000 to 8,000 feet. Most of the owl's activities during the breeding season occur within the nest site canyons. The owl feeds primarily on mammals, but also preys upon birds, reptiles, and insects. Foraging sites often include big logs, higher canopy closure, and dense areas of trees and snags. It drinks from small seeps and creeks.

The largest populations of Mexican spotted owls in New Mexico occur in the Gila National Forest in the west-southwestern portion of the state and in the Sacramento Mountains in the south-central portion of the state. Among the known locations of Mexican spotted owls throughout their range in 1990, 91% were on national forests, 4% on Indian reservations, 4% on national parks, and 1% on BLM lands.

The Mexican spotted owl is threatened by timber management practices, even-aged silviculture management practices in forest habitats, increased predation associated with habitat fragmentation, and fires. Secondary losses of habitat are due to urban and suburban expansion, water development in riparian corridors, agricultural development, fuelwood/oak harvest, reservoir development, and mining. Most riparian areas that have been lost or impaired in New Mexico have occurred at low to middle elevations. The importance of these riparian woodlands to the Mexican spotted owl is unknown, although winter use of these habitats has been documented. Also, riparian areas provide dispersal corridors between semi-isolated montane habitat regions.

Within the Taos Field Office area, the Mexican spotted owl has been known to occur in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. A number of riparian areas managed by the Taos Field Office could contain potential forest/canyon habitat to support Mexican spotted owl.

***Effects Determination:*** On the basis of the analysis that habitat to support the Mexican spotted owl may exist adjacent to some riparian areas, the BLM has determined that implementation of adaptive management practices would result in a *"May Affect – Not Likely to Adversely Affect"* situation for the Mexican spotted owl. Increased reproduction and growth of woody vegetation as a result of implementation of the proposed action may increase the occurrence of mature trees within some riparian areas. This situation would be expected to be beneficial to the Mexican spotted owl. Improved function of riparian habitat would also be beneficial to other wildlife, including prey species of the Mexican spotted owl. The cumulative impact associated with the *"May Affect – Not Likely to Adversely Affect"* determination would be an increase in the quality of habitat to support the Mexican spotted owl.

### B.2.8 Mountain Plover (*Charadrius montanus*)

***Distribution and Ecology:*** The mountain plover is a lowland grassland species. It prefers flat, short-grass prairie and tends to avoid taller grasses and hillsides. Suitable habitat occurs in areas often grazed by livestock. It prefers habitat composed of large areas of bare ground and short grass (less than 4-inch-tall stubble). Such requirements are met by rangelands, prairie dog towns, disturbed areas around windmills and water tanks, and barren playas. Nests are often located near woody plants, cow manure, rocks, fence posts, and power poles. It is territorial only during the breeding season. Territory size in Colorado is about 39.5 acres (territory size in New Mexico has not been determined). Turf farms are also inhabited during spring and fall migrations. It does not require a free water source. Mountain plovers are insectivorous and forage for prey on the ground.

Mountain plovers have been documented to prefer grazed areas over nongrazed areas for breeding. Thus, cattle grazing is not expected to have a detrimental effect on the mountain plover. The leading causes of death for nestlings are predation, poor nutrition, and disease. Mining and conversion of native grasslands to agricultural fields have had the greatest impact on mountain plover populations.

Mountain plovers are likely to occur throughout Taos Field Office lands, particularly in the short-grass prairie regions. Within the Taos Field Office area, mountain plovers occur on a number of grazing allotments in Colfax, Mora, San Miguel, Santa Fe, and Taos Counties. Impacts to mountain plovers have occurred from conversion of grasslands to croplands and urban uses, prairie dog control, mineral development, and domestic livestock management.

Livestock management practices are now encouraging vegetation growth by the development of grazing systems that allow growing season rest and limit overall utilization levels. Such actions are helping to restore proper functioning condition (PFC) in both uplands and riparian areas. However, such actions could decrease mountain plover habitat, especially where grass may exceed the height preferred by the birds. This situation would most likely occur within riparian exclosures, which, in some cases, would also include some upland acreage (BLM 1999a). However, such exclosures are intermingled and in close proximity to grazed pastures, which provide the lower stubble height preferred by mountain plovers. Also, livestock watering facilities provide the preferred habitat for mountain plovers. Even if livestock grazing management strategies were implemented to improve vegetative cover, a mosaic of vegetation and bare ground would still occur throughout BLM-administered lands, as well as in adjacent private, state, and Indian reservation lands (BLM 1999a).

***Effects Determination:*** The BLM has determined that implementation of adaptive management practices would have the potential to create a *"May Affect – Not Likely to Adversely Affect"* situation for the mountain plover. Short-grass prairies and grazed pastures (preferred habitats) are found throughout the allotments associated with the specified riparian areas and adjacent lands not administered by the BLM. Mountain plovers are mobile and will move from one pasture to another to find preferred habitat conditions. In addition, livestock watering facilities would need to be established (if not already present) where riparian areas are fenced to exclude livestock. Watering facilities would provide preferred habitat for mountain plovers (BLM 1999a). Because many different grazing systems occur within these allotments, grazing would continue to occur throughout the year on both public and private lands. Therefore, adverse impacts to mountain plovers would not be anticipated.

Because of the general lack of water to sustain crop production and the unsuitability of grazing lands for agricultural use, it is not anticipated that conversion of grasslands to croplands would be a major factor in habitat loss for the mountain plover (BLM 1999a). The cumulative impacts from the loss of habitat to urbanization, agriculture, and riparian habitat improvements are not expected to adversely affect the mountain plover within the Taos Field Office area (BLM 1999a).

### B.2.9 Piping Plover (*Charadrius melodus*)

***Distribution and Ecology:*** The piping plover occurs on sandflats or along bare shorelines of rivers, lakes, or coasts. Mudflats and sandbars in New Mexico wetlands may provide foraging habitat during spring migration. The piping plover forages on a variety of invertebrates, including insects, worms, crustaceans, and mollusks. The population of this species has declined drastically since 1940. The reduction in population has resulted from the loss of beach habitat and the modification of habitat through channelization and damming of rivers, which have eliminated sandbars and allowed vegetation to grow on nesting areas. The loss or alteration of nesting and wintering habitats (as a result of activities such as development, vehicular traffic, human disturbance, and the adverse effects of impoundments and/or irregular water releases in riverine areas) are the major threats to the piping plover. Human disturbance on beaches is a significant problem. The 1993 population of the piping plover was estimated to be 5,000. It breeds (or bred) locally from Alberta and Manitoba south to Nebraska, in the Great Lakes region, and along the Atlantic Coast. It winters primarily along the Atlantic and Gulf Coasts from South Carolina to Texas.

In New Mexico, the piping plover is known only as a rare spring migrant; migration is generally through the Mississippi River valley (NMDG&F 1997). Within the Taos Field Office area, the piping plover has been known to occur only in Colfax County, although intermittently exposed substrates along Santa Cruz Lake in Santa Fe County may provide foraging habitat.

***Effects Determination:*** Foraging habitat (sand beaches and mudflats) for the piping plover during migration generally does not occur along riparian areas within the Taos Field Office area, although substrates may be intermittently exposed along Santa Cruz Lake by fluctuations in the reservoir level. This species is a rare migrant through the Taos Field Office area and is primarily threatened by habitat loss in breeding and wintering areas. Restoration and protection of riparian areas managed by the Taos Field Office would not be expected to adversely affect habitat for the species. Therefore, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the piping plover. The cumulative impacts presently existing (e.g., federal, private, state activities) for this species would not change due to this action.

### B.2.10 Southwestern Willow Flycatcher (*Empidonax traillii extimus*)

***Distribution and Ecology:*** The southwestern willow flycatcher occurs along desert riparian habitats where dense groves of willows, buttonbrush, boxelder, alder, and other trees and shrubs grow. In some locations, exotic plants, including saltcedar and Russian olive, are also used for nesting or migratory stopovers. The bird is associated with multilayered vegetation in close proximity to slack water. The surrounding vegetation in nesting areas generally ranges from 12 to 21 feet high.

The southwestern willow flycatcher occurs statewide during migration. It breeds in the Chama, Rio Grande, Zuni, San Francisco, Gila, and probably the Hondo basins. Areas of key habitat include breeding areas in the vicinities of Zuni (McKinley County), Corrales (Sandoval County) to upper Elephant Butte Reservoir (Sierra County), Glenwood-Pleasanton (Catron County), and Cliff-Redrock (Grant County).

Riparian habitat loss or degradation and related impacts (e.g., parasitism by brown-headed cowbirds) are the primary causes leading to the endangered status of the southwestern willow flycatcher. Most of the areas still known to support the southwestern willow flycatcher have little or no livestock grazing (or none). Potential threats from pesticides may also affect the southwestern willow flycatcher. This species migrates to tropical areas in the winter; however, the habitats it uses in its wintering grounds are unknown. Tropical deforestation may restrict wintering habitats for this and other neotropical migrants.

The protection and restoration of riparian habitats are essential steps in the conservation of breeding southwestern willow flycatchers in New Mexico. Key elements are an overstory of tall trees, an understory of smaller trees or large shrubs, and nearby areas of surface water. This species is an important indicator species for the health of southwestern riparian ecosystems. Conservation of the southwestern willow flycatcher will aid in efforts to conserve riparian habitats in general.

***Potential Issue – Off-Highway Vehicles (OHVs):*** Vehicles are officially restricted to existing roads and jeep trails, unless otherwise designated, on land under the management of the Taos Field Office. However, evidence exists of light to moderate unauthorized OHV use within many of the riparian areas managed by the Taos Field Office. Unauthorized OHV use on the riparian areas with potential southwestern willow flycatcher habitat range from moderate (Rio de Truchas), to light (Ojo Caliente Riparian Demonstration Area, Ojo Caliente Upper, Rio Cebolla, and Rio de los Pinos), to no apparent use (Lobo Canyon, Santa Cruz River, Above Lake, and Santa Fe River). The Taos Field Office will undertake transportation planning in those areas of concern to determine which roads are open or closed and will designate those that have the potential to affect southwestern willow flycatcher habitat and close them. These actions will be monitored by law enforcement personnel. If necessary, fencing will be constructed around newly developing riparian vegetation to exclude OHV use.

***Potential Issue – Recreational Activities:*** Recreational activities that occur in riparian areas, in addition to OHV use, include fishing, hiking, and camping. Presently, recreational activities within riparian areas managed by the Taos Field Office generally have not been found to have extensive adverse effects. Few recreational activities occur at the riparian areas with potential southwestern willow flycatcher habitat.

***Potential Issue – Livestock Grazing Management Activities:*** Table B.2 displays the livestock grazing management activities occurring within those riparian areas that have been identified as short-term and long-term potential habitat for the southwestern willow flycatcher. As shown in Table B.2, grazing within these riparian areas is either excluded (306 acres) or is being managed as a riparian pasture with only dormant-season use (1,066 acres).

*Planned Monitoring Activities:* Monitoring of the Rio de Truchas riparian area will be scheduled as follows:

- As a short-term potential habitat area for the southwestern willow flycatcher, the area will be evaluated annually to determine whether grazing is impacting riparian vegetation (e.g., willows and cottonwoods) recovery. These areas will be visited twice each year; once in the fall prior to entry of livestock, and again in the spring after livestock have been moved out. Two exclosures have been established within the riparian area to monitor the effect grazing may be having on this habitat (a vegetated riparian area and a non-vegetated riparian area). A third monitoring exclosure will be established, as suggested by the USFWS. Riparian vegetation monitoring summary reports will be supplied to the USFWS, and the BLM will coordinate with the USFWS to ensure that potential southwestern willow flycatcher habitat is maintained or improved.
- Riparian areas that are in PFC will be monitored every four years.
- Riparian areas that are in Functioning at Risk or Nonfunctional will be monitored every two years until they attain PFC; then they will be monitored every four years.
- A vegetative monitoring plan will be established.

*Southwestern Willow Flycatcher Habitat:* Within the Taos Field Office area, the southwestern willow flycatcher has been observed in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. Small groups of southwestern willow flycatcher territories have been identified along the Rio Grande and the Rio Chama. However, no occupied southwestern willow flycatcher habitat or unoccupied, currently potential habitat occurs within the riparian areas under the jurisdiction of the Taos Field Office that are within the scope of this FEIS.

In 1998, when the riparian areas in Table B.2 were determined (Silva 1998), not much consideration was given to how fast riparian habitats would recover to provide habitat for species like the southwestern willow flycatcher. Most of the evaluations prior to the development of the southwestern willow flycatcher plan were oriented toward attaining PFC and not toward a particular vegetative structure or size like flycatcher habitat.

The guidance criteria (USFWS 1998) identify potential southwestern willow flycatcher habitats as those riparian areas that within the next 10 years would be usable as nesting habitat for this species. It is estimated that all of the riparian habitats within the Taos Field Office, excluding the Rio de Truchas, are at the successional stage, and, therefore, could not provide this type of habitat within the 10-year time frame. However, several small

**TABLE B.2 Livestock Grazing Management within Riparian Areas Identified as Potential Short-Term and Long-Term Southwestern Willow Flycatcher Habitat**

| Riparian Area | Riparian Area Size [Miles (Acres)] | Livestock Grazing Management | Potential Habitat[a] |
|---|---|---|---|
| Lobo Canyon | 0.8 (1.4) | No grazing | LT |
| Ojo Caliente Riparian Demonstration Area | 1.25 (160.0) | No grazing | LT |
| Ojo Caliente Upper | 1.0 (50.0) | No grazing | LT |
| Rio Cebolla | 2.3 (8.3) | No grazing | LT |
| Rio de los Pinos | 1.5 (77.3) | No grazing | LT |
| Rio de Truchas | 7.5 (1,033.3) | Dormant season[b] | ST |
| Santa Cruz River, Above Lake | 1.0 (9.0) | No grazing | LT |
| Sante Fe River | 6.0 (32.7) | Dormant season[c] | LT |

[a] Abbreviations: LT = long-term; ST = short-term.

[b] The Rio de Truchas is currently on a deferred rotation grazing system. The allotment is divided into seasonal use pastures. Use on the allotment is yearlong with seasonal rotation among six pastures. The Rio de Truchas is within the Truchas pasture, which is grazed during the winter. The permittee has signed an allotment management plan that stipulates removal of livestock from the riparian pasture when use levels on the woody species (cottonwoods and willows) reach 10% and when use levels on the herbaceous species reach 50%.

[c] The Sante Fe River excludes grazing until PFC on the riparian area is met. Once this is achieved, dormant season grazing will take place.

Source: Silva (1998).

portions of the Taos Field Office area (Rio Grande Otowi, Rio Cebolla, Ojo Caliente-Riparian Demo, Ojo Caliente-Upper, Agua Caliente, Santa Cruz River, and Rio Los Pinos) are considered to be potential habitat in the long-term (10+ years); these areas will not be excluded as potential flycatcher habitats because they do not meet the present 10-year guidance criterion.

***Effects Determination:*** Vegetation communities within riparian areas under the management of the Taos Field Office would develop a diversity of herbaceous and woody native riparian species as a result of implementation of the proposed action. Habitat value would subsequently increase for many riparian-dependent wildlife species. As riparian vegetation communities improve, additional riparian areas may develop potential southwestern willow flycatcher habitat. The cumulative impact associated with the *"May Affect – Not Likely to Adversely Affect"* determination would be an increase in the quality of habitat to support breeding and/or migratory stopovers for the southwestern willow flycatcher.

### B.2.11 Whooping Crane (*Grus americana*)

***Distribution and Ecology:*** The whooping crane breeds mainly at Wood Buffalo National Park in Canada and winters primarily along the Gulf Coast of Texas at the Aransas National Wildlife Refuge. A few whooping cranes raised by foster parents (sandhill cranes) at Grays Lake, Idaho, migrate with sandhill cranes to the Rio Grande Valley, New Mexico. These birds (down from a high of 33 to only 4) winter mainly in the Bosque del Apache National Wildlife Refuge, located about 20 miles south of Socorro, New Mexico. This population is designated as a nonessential experimental population, and it is expected that these birds will die by the year 2006. Pairing and reproduction of this experimental flock never occurred.

Whooping cranes select an open expanse of shallow water in rivers, lakes, reservoirs, and native wetlands for nightly roosting. These sites include stockponds, marshes, and flooded grain fields. Feeding sites include these wetland types and agricultural fields (particularly with waste grain or sprouting crops). The whooping cranes feed on small grains, alfalfa, winter wheat, aquatic plants, invertebrates, and small vertebrates. They typically roost on sandbars within the Rio Grande floodplain. They seasonally move up and down the Rio Grande corridor during their spring and fall migrations; however, they would be considered rare visitors to the area (BLM 1999a). Whooping cranes adhere to ancestral breeding areas, migratory routes, and wintering grounds, leaving little possibility of pioneering into new regions.

The conversion of wetlands and prairies to croplands contributed to their drastic decline. Collisions with power lines and fences, predators, and disease are known hazards to wild whooping cranes in the Rocky Mountains.

Within the Taos Field Office area, the whooping crane is a rare migrant and has been known to occur in Los Alamos, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. However, no suitable nesting or wintering habitat occurs on BLM-administered lands in the Taos Field Office area within the scope of this FEIS. Although portions of the Rio Grande lie within the Taos Field Office area, riparian areas along the Rio Grande are outside the scope of this FEIS. The limited number of individuals remaining in the experimental population makes it unlikely that the whooping crane would occur at any of the specified riparians and associated aquatic habitats, although roosting and foraging habitat may exist.

***Effects Determination:*** The specified riparian areas and associated upland rangelands do not provide nesting or wintering habitat for the whooping crane. However, roosting or foraging habitat for migrating whooping cranes may occur within or adjacent to the specified riparian areas. Because implementation of the proposed action would result in an improvement in riparian and aquatic communities and would not adversely affect habitat for whooping cranes, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for this species. There would be no incremental increase in the existing or foreseeable future cumulative impacts within the Taos Field Office for this species due to this action.

## B.2.12 Arkansas River Shiner (*Notropis girardi*)

***Distribution and Ecology:*** The Arkansas River shiner historically inhabited the main channels of wide, shallow, sandy-bottomed rivers and larger streams of the Arkansas River basin and presently occurs in New Mexico, Oklahoma, Texas, and Kansas. In New Mexico, the Arkansas River shiner occurs in the Canadian River system. The population is threatened by the destruction and modification of habitat resulting from the dewatering or depletion of streams due to diversion of surface water, groundwater pumping, construction of impoundments, and water quality degradation. A non-native, introduced population occurs in the Pecos River in New Mexico; however, the USFWS did not propose listing this population and did not include it in the Final Rule for this species (USFWS 1998). The decline of this species throughout its historical range may be attributed primarily to inundation and modification of stream discharge as a result of impoundments, channel desiccation (drying out) as a result of water diversion and excessive groundwater pumping, stream channelization, and introduction of non-native species (USFWS 1998). Within the Taos Field Office area, the fish occurs in Colfax, Mora, and San Miguel Counties. Three riparian areas managed by the Taos Field Office (Canadian River, Carizzo Creek, and Mora River) lie adjacent to river or stream segments supporting populations of the Arkansas River shiner.

***Effects Determination:*** Improvement of riparian habitat function as a result of the implementation of the proposed action would include the reduction of soil erosion from riparian areas and increased filtering of stream flows. Reduced erosion and increased filtering would potentially contribute to an improvement in water quality within associated streams. This situation would be expected to be slightly beneficial to the Arkansas River shiner, which is threatened by water quality degradation, among other factors.

Many of the BLM parcels with riparian habitat are small and widely scattered with no access, and/or consist of incised canyons with little to no riparian habitat. The BLM has very little impact on the riparian habitat because these small isolated parcels are imbedded in a matrix of private lands. Because only a small proportion of riparian habitat along the streams supporting the Arkansas River shiner is managed by the BLM, the contribution to water quality improvement from BLM actions would be expected to be quite small as well. Increased riparian species diversity, structural diversity, and productivity resulting from implementation of the proposed action would also potentially benefit the Arkansas River shiner by increasing detrital input to the aquatic system, increasing the aquatic invertebrate food base, and increasing streamside shading. The cumulative impact associated with the *"May Affect – Not Likely to Adversely Affect"* determination would be an increase in the quality of habitat to support the Arkansas River shiner.

## B.2.13 Colorado Pikeminnow (*Ptychocheilus lucius*)

***Distribution and Ecology:*** The reasons for the decline of the Colorado pikeminnow (formerly known as the Colorado squawfish) include habitat fragmentation, modification, and degradation from dam construction. These fish have also been adversely affected by competition and predation from introduced non-native fishes. Alterations of natural hydrographs as a result of storing and releasing water continue to affect the Colorado pikeminnow by changing its environmental cues for spawning and by providing a competitive benefit to non-native fishes. Changes in flow release temperatures from major dams have rendered portions of the species' historic range uninhabitable. The Colorado pikeminnow has been identified from the main stem of the San Juan River in Rio Arriba and San Juan Counties. Although Rio Arriba County is included within the Taos Field Office area, no habitat necessary to support the Colorado pikeminnow occurs within streams associated with riparian areas under the management of the Taos Field Office.

***Effects Determination:*** Since no habitat that supports the Colorado pikeminnow is associated with the specified riparian areas addressed within this FEIS, the BLM has determined that implementation of Adaptive Management would result in *"No Effect"* on the Colorado pikeminnow. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

## B.2.14 Rio Grande Silvery Minnow (*Hybognathus amarus*)

***Distribution and Ecology:*** The Rio Grande silvery minnow historically occurred throughout the Rio Grande downstream of Espanola, New Mexico; in the Pecos River downstream of Santa Rosa, New Mexico; and in lower portions of the Rio Chama (USFWS 1999b). The Rio Grande silvery minnow now occurs in the middle Rio Grande, from Cochiti Dam to the headwaters of Elephant Butte Reservoir, including Rio Arriba and Santa Fe Counties. This area has been designated as proposed critical habitat (Fowler-Propst 1999). Water availability appears to be the main limiting factor jeopardizing the species. Irrigation operations have caused portions of the Rio Grande to dry up in recent years (BLM 1999a). Channel dewatering makes its extinction an immediate possibility. Decreases in water quality related to agricultural development and growth of cities may also be affecting the species. Its confinement to small areas during low flows also increases its susceptibility to predation and disease.

The Rio Grande silvery minnow occupies a variety of habitats in large, low-gradient streams with shifting sand or silty bottom. During winter, it most commonly occurs in nearly still water with debris cover (Propst 1999). Special requirements other than a flowing mainstream environment are not indicated for this species. It is believed to feed on diatoms, algae, larval insect skins, and plant material scraped from the bottom sediments.

Eggs and larvae of the Rio Grande silvery minnow are likely transported downstream from one reach of the Rio Grande to the next. Because of the presence of diversion dams, repopulation of upper reaches by adults is not possible. Therefore, this species is most common in the lowermost reaches of its current range.

The habitat for the Rio Grande silvery minnow is localized within an area in which the BLM does not administer lands, nor does it manage any of the waters of the Rio Grande within this area (BLM 1999a).

***Effects Determination:*** Since the Rio Grande silvery minnow does not occur within the subject area for this FEIS, the BLM has determined that riparian and aquatic habitat management for the specified riparian areas would result in *"No Effect"* on the Rio Grande silvery minnow. Riparian and aquatic habitat management would protect and enhance riparian areas along the tributaries of the Rio Grande. Although such management practices aimed at restoring or maintaining PFC would benefit wildlife species and resources (e.g., limit soil erosion) in the project area, it is not expected that such efforts would provide measurable benefits to the Rio Grande silvery minnow. Because riparian and aquatic habitat management would have *"No Effect"* on the Rio Grande silvery minnow, there would be no incremental increase in the existing or foreseeable future cumulative impacts within the Taos Field Office for this species due to this action.

### B.2.15 Boreal Western Toad (*Bufo boreas boreas*)

***Distribution and Ecology:*** The preferred habitat for the boreal western toad in New Mexico is beaver ponds at high elevations (above 8,500 feet). The historic range for the boreal western toad extends from Alaska to New Mexico. In New Mexico, the toad has been known from only three lakes in the San Juan Mountains (Laguinitas, Trout, and Cajilon) in Rio Arriba County. However, it is believed that the boreal western toad may have been extirpated from the state (BLM 1999a). This species appears to be exclusively a high mountain form. The chief threat to the boreal western toad in the state was probably the destruction of beaver ponds. Other threats to the species include disturbance, degradation, and loss of wetland habitats and conversion of small ponds into larger reservoirs by damming. Although Rio Arriba County lies within the Taos Field Office area, none of the riparian areas managed by the Taos Field Office include the preferred habitat (high elevation ponds) of the boreal western toad. The Rio de los Pinos riparian area is located at 8,300 feet and the Rio San Antonio riparian area is located at 8,100 ft; both are in northern Rio Arriba County. However, these riparian areas occur along perennial streams, and there is no indication that the boreal western toad ever occurred in these areas.

***Effects Determination:*** Since the riparian areas managed by the Taos Field Office do not coincide with the known habitats for the boreal western toad, and because the species was probably extirpated from New Mexico, the BLM has determined that implementation of Adaptive Management would result in a *"No Effect"* determination for the boreal western toad. There would be no incremental increase in the existing or foreseeable future cumulative impacts within the Taos Field Office area for this species, and the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change because of the proposed riparian and aquatic habitat adaptive management practices.

### B.2.16 Holy Ghost Ipomopsis (*Ipomopsis sancti-spiritus*)

***Distribution and Ecology:*** The Holy Ghost ipomopsis is an erect, herbaceous, short-lived perennial plant that flowers only once. This species is found on dry, open sites on steep, south- and southwest-facing canyon slopes and on road cuts that simulate natural canyon slopes. It occurs in ponderosa pine and montane mixed conifer forest vegetation communities from 7,800 to 8,200 feet in elevation in the southern part of the Sangre de Cristo Mountains (University of New Mexico [UNM] 1997a). Threats to the Holy Ghost ipomopsis include habitat modification. This species is known from a single population in Holy Ghost Canyon in the Santa Fe National Forest, San Miguel County.

*Effects Determination:* This species does not occur near or within the riparian areas managed by the Taos Field Office. Because Adaptive Management would have no impact on the Holy Ghost ipomopsis, there would be no incremental increase in the existing or foreseeable future cumulative impacts within the Taos Field Office area for this species, and the cumulative impacts presently existing (e.g., federal, private, and state activities) would not change because of the proposed riparian and aquatic habitat adaptive management practices.

## B.3 STATE-LISTED AND BLM-SENSITIVE SPECIES

### B.3.1 Big Free-Tailed Bat (*Nyctinomops macrotis = Tadarida m., T. molossa*)

*Distribution and Ecology:* The big free-tailed bat occurs in New Mexico from late May through late October in Los Alamos and Rio Arriba Counties. It prefers coniferous and mixed woodland and depends on rocky cliffs with crevices and fissures for roosting. These bats have been found in sycamore, cottonwood, and rabbitbrush riparian habitats. They feed on invertebrates, particularly moths. The big free-tailed bat may be limited by the availability of suitable drinking sites (e.g., large, obstacle-free ponds).

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the big free-tailed bat.

### B.3.2 Fringed Myotis (*Myotis thysanodes*)

*Distribution and Ecology:* The fringed myotis inhabits mid-elevation grasslands, deserts, and oak and pinyon woodlands. In addition, it occurs in high-elevation spruce-fir forests in Colfax, Mora, San Miguel, Santa Fe, and Taos Counties. Roosts have been located in ponderosa pine and mixed conifer habitat types. Large snags are roost sites for both pregnant and lactating bats. The bats occupy mines, caves, and buildings transiently during the night. They feed on invertebrates and forage over water courses. Accessible surface water, suitable roost sites, and food are necessary components of viable habitat.

Threats to the species include human disturbance at roost sites, cave destruction, and habitat loss. Adverse management practices include creation of even-age forest stands, livestock grazing in riparian areas, and pesticide use.

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the fringed myotis.

### B.3.3 Goat Peak Pika (*Ochotona princeps nigrescens*)

*Distribution and Ecology:* In New Mexico, the Goat Peak pika is confined to talus slides and boulder fields in alpine and subalpine areas. It occurs commonly within the Jemez Mountains on patches of large talus slopes in Los Alamos and Rio Arriba Counties. The occurrence of the pika in the Jemez Mountains is associated with the distribution of the permafrost condition, which produces and maintains appropriate talus-slope habitat. The Goat Peak pika is not found below an elevation of 8,000 feet in Colorado. It cannot tolerate temperatures above 82.4°F for more than 2 hours. The presence of pikas on most patches of appropriate talus indicate that they disperse sufficiently to maintain the population. Loss of habitat can occur by increasing moisture in dry areas, which promotes colonization of vegetation that fills the talus slopes.

***Effects Determination:*** Because suitable habitat is not present within or adjacent to riparian areas, the BLM has determined that Adaptive Management would have *"No Effect"* on the Goat Peak pika.

### B.3.4 Long-Eared Myotis (*Myotis evotis*)

***Distribution and Ecology:*** The long-eared myotis is active in New Mexico at least from the end of June to mid-August in Colfax, Rio Arriba, San Miguel, and Taos Counties. Its roosts have been located in ponderosa pine and mixed conifer habitat types. This insectivorous bat is seemingly a species of the yellow pine zone and above (e.g., it has been collected at an elevation of 9,600 feet). Roosting substrates include ponderosa pine snags, downed logs, stumps, and rock crevices.

The long-eared myotis principally feeds by gleaning insects off vegetation. Accessible surface water, suitable roost sites, and food are necessary components of viable habitat. The extensive use of both live and dead trees by these bats in pinyon-juniper habitats has important implications in the regulation of fuelwood harvest and salvage logging in the Southwest. Adverse management practices include creation of even-age forest stands, livestock grazing in riparian areas, and pesticide use.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the long-eared myotis.

### B.3.5 Long-Legged Myotis (*Myotis volans*)

***Distribution and Ecology:*** The long-legged myotis occurs primarily at the ponderosa pine zone or above, although some of these bats have come from grasslands. They occur in the state from at least mid-May to late September in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. They are found in sycamore, cottonwood, and rabbitbrush riparian habitats. They also occur in various coniferous and deciduous woodlands and coniferous forests and use cavities in deciduous and coniferous trees. Roost sites have been located in ponderosa pine and mixed conifer forest types. A maternity colony has been found in an abandoned building (near Eagle Nest in Colfax County). Maternity colonies may also occur in attics, caves, and live or dead trees. Large snags serve as roost sites for pregnant and lactating bats. Large snags that are well distributed in a landscape may help maintain bat populations. The bats forage about 30 feet over the tree canopy and along the stream bank. Access to water, suitable roost sites, and food are necessary components of viable bat habitat in the Southwest.

Adverse management practices include creation of even-age forest stands, livestock grazing in riparian areas, and pesticide use. Restricting the disturbance to this species is beneficial.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the long-legged myotis.

### B.3.6 New Mexican Meadow Jumping Mouse (*Zapus hudsonius luteus*)

***Distribution and Ecology:*** The New Mexican meadow jumping mouse occurs locally in the San Juan, Jemez, and Sacramento Mountains and in the central-northern and central Rio Grande Valley of New Mexico. It occurs in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. Single occurrences have been recorded in Taos and Valencia Counties. Key habitat areas occur along the Rio Cebolla in the Jemez Mountains, the vicinity of Espanola, Isleta Marsh (Bernalillo County), Bosque del Apache National Wildlife Refuge, and the Cloudcroft area. It may also still occur near El Rito (Rio Arriba County) and in Socorro County.

The New Mexican meadow jumping mouse is associated primarily with riparian habitats in open prairies. These conditions include permanent streams, moderate to high soil moisture, and dense and diverse streamside vegetation consisting of grasses, sedges, and forbs. Such habitats include wet meadows, edges of permanent ditches, and cattail stands. Its home range varies from 0.15 to 1.09 acres. The omnivorous New Mexican jumping mouse feeds primarily on seeds, fruits, and insects.

Isolated populations of the New Mexican meadow jumping mouse are threatened by both agricultural and industrial development along major rivers and by recreational development and range management activities in montane areas. It requires relatively dense vegetation for population persistence. Thus, its scarcity may be related to livestock overgrazing in streamside habitats. Periodic severe flooding may also be detrimental to the New Mexican meadow jumping mouse.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* for the New Mexican jumping mouse.

### B.3.7 Occult Little Brown Bat (*Myotis lucifugus occultus*)

***Distribution and Ecology:*** The occult little brown bat occurs in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. Roost sites for this species have been located in ponderosa pine and mixed conifer habitats. Known summer roosts in New Mexico are buildings. Large snags serve as roost sites for pregnant and lactating bats. No hibernacula have been discovered for this species in New Mexico. The occult little brown bat is associated with permanent waters (e.g., streams, drainage ditches, and lakes). Areas without permanent water support only transient individuals. Aquatic insects are a major component of their diet, and they forage over water or over shrubs near water.

The availability of appropriate roosts may limit populations. Disturbance of roosts may be responsible for the decline of this species. Access to water, suitable roost sites, and food are necessary components of viable bat habitat in the Southwest. Adverse management practices include creation of even-age forest stands, livestock grazing in riparian areas, and pesticide use. Restricting the disturbance to this species is beneficial.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for this species.

## B.3.8 Pale Townsend's (= Western) Big-Eared Bat (*Plecotus townsendii pallescens*)

***Distribution and Ecology:*** Population concentrations of pale Townsend's big-eared bats occur in areas with substantial surface exposures of cavity-forming rocks and in old mining districts. This species occurs in Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. Among the North American bats, it appears to be among the most dependent on abandoned or inactive mines. It occurs in a variety of xeric and mesic habitats, including desert scrub, sagebrush, chaparral, and coniferous and deciduous forests. The bat feeds on insects, particularly moths. In California, Townsend's big-eared bat has been found to forage within forest habitats and along heavily vegetated stream corridors. It avoids open, grazed pastureland.

This bat species is threatened by habitat loss, vandalism, and disturbance cave explorers. Townsend's big-eared bats have a strong preference for noctuid moths, which are obligate users of lentic vascular hydrophytes (e.g., cattails, willows, *Polygonum* species). Thus, wetland degradation could indirectly affect the bat. Beneficial management practices for this species would improve riparian and wetland habitats near roosts.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a situation for the Pale Townsend's big-eared bat.

## B.3.9 Pecos River Muskrat (*Ondatra zibethicus ripensis*)

***Distribution and Ecology:*** The Pecos River muskrat now occurs only in New Mexico, where it is a year-round resident in the Rio Grande and Pecos River basins; however, its historic range included Texas. The population is rather widespread in New Mexico, occurring in eight counties, including San Miguel. It commonly occurs in the Bosque del Apache National Wildlife Refuge. Its habitat ranges from marshes along the Rio Grande, Pecos, and San Juan Rivers to mountain lakes. The Pecos River muskrat inhabits shallow sloughs and marshes (including irrigation and drainage ditches) associated with a constant and stable source of water. The Pecos River muskrat feeds on grasses and forbs. It constructs a bank den, with the entrance generally a foot below the water surface. Breeding takes place in spring and summer. Management actions that promote the growth of emergent vegetation are beneficial to the Pecos River muskrat.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the Pecos River muskrat.

## B.3.10 Small-Footed Myotis (*Myotis ciliolabrum*)

***Distribution and Ecology:*** The small-footed myotis seems to be most common in coniferous and mixed woodland and montane coniferous forests and occurs in Rio Arriba, San Miguel, Santa Fe, and Taos Counties. However, the bat has also been found in shortgrass plains, grasslands, and oak savannas and woodlands. This bat species is commonly associated with willows along streamsides. The bats are also found in sycamore, cottonwood, and rabbitbrush riparian areas. The small-footed myotis may primarily roost in caves or rock crevices. Trees and man-made buildings are also utilized.

Access to water, suitable roost sites, and food are necessary components of viable bat habitat in the Southwest. Adverse management practices include creation of even-age forest stands, livestock grazing in riparian areas, and pesticide use. Restricting the disturbance to this species is beneficial.

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the small-footed myotis.

### B.3.11 Southwestern Otter (*Lutra canadensis sonorae*)

*Distribution and Ecology:* The southwestern otter is associated with permanent water sources and is therefore associated with riparian areas. Past occurrences of this species have been recorded in Rio Arriba and Taos Counties. Overhanging vegetation is an important component of otter habitat. Den sites include vacated beaver or nutria dens or abandoned man-made structures. Fish make up the greatest portion of the diet, although the otters also feed on crayfish, larger aquatic insects, frogs, turtles, and other animals that frequent streams.

Population declines of the southwestern river otter are associated with channelization, bank-armoring, marshland draining, other kinds of habitat destruction, and harvesting. Otters do not generally live near humans because of associated environmental disturbances. Surface mining and oil and gas development may seriously impact otter populations through effects on water quality, habitat suitability, and prey availability. This species appears to have been extirpated in New Mexico. The last confirmed occurrence in the state was in 1953. The occasional, unverified reports for the upper Rio Grande in Taos County may be from dispersal of animals recently introduced in Colorado or Arizona.

*Effects Determination:* Although the occurrence of the southwestern otter in the upper Rio Grande system is uncertain, potential habitat for this species may exist within stream segments containing riparian area managed by the Taos Field Office. Because implementation of the proposed action would provide a slight improvement to water quality, streamside vegetation density, and prey availability, which may provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the southwestern otter.

### B.3.12 Spotted Bat (*Euderma maculatum*)

*Distribution and Ecology:* In New Mexico, the preferred habitat for the spotted bat is meadows in subalpine coniferous forests. This species occurs in Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. Nevertheless, individuals range from low deserts to coniferous forests, and they are often reported near cliffs over perennial water. They may be summer residents in forested areas and migrate through lower elevations during other seasons. Rocky areas appear to be an important element of this bat's environment. Spotted bats will roost in coniferous forests, cliffs, or canyons. Riparian habitat appears to be important to spotted bats. They forage primarily over standing water, and moths appear to be the principal food of the spotted bat.

Threats to the spotted bat include loss and degradation of riparian and forest habitat. Adverse management practices include creation of even-age forest stands, prescribed fires, livestock grazing in riparian areas, and pesticide use.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the spotted bat.

### B.3.13 Yuma Myotis (*Myotis yumanensis*)

***Distribution and Ecology:*** In New Mexico, the zonal center of abundance for the Yuma myotis is desert, grassland, and woodland as well as the riparian communities of these zones (4,000 to 7,000 feet in elevation). This species occurs in Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. Its distribution is tied to permanent water courses, usually below the coniferous forest. Railroad bridges and buildings are common summer retreats. Roost sites include rock crevices, caves/mines, swallow nests, and man-made structures. The Yuma bat is a surface-water forager that feeds on various invertebrates.

Adverse management practices include creation of even-age forest stands, livestock grazing in riparian areas, and pesticide use. Restricting the disturbance to this species is beneficial.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the Yuma myotis.

### B.3.14 American Peregrine Falcon (*Falco peregrinus anatum*) and Arctic Peregrine Falcon (*Falco peregrinus tundrius*) – "Migration Only"

***Distribution and Ecology:*** In New Mexico, the American peregrine falcon breeds locally in mountainous areas and occurs in all New Mexico mountain ranges. Both subspecies occur during migration essentially statewide, but mainly west of the eastern plains. However, known records for the Arctic peregrine falcon are only for Chaves and McKinley Counties. The bird occurs in all seven counties included in the Taos Field Office area. The preferred habitat for the peregrine falcon is generally large cliffs (100 to 200 feet high) near water and with relatively dense avian prey species (e.g., waterfowl, passerine birds, and shorebirds). Habitat requirements typically include an inaccessible (to humans and predators) nest site, an adequate prey base, proximity to water, and isolation from human disturbances. Peregrine falcons are found in Douglas fir, hemlock-sitka spruce, redwood, ponderosa pine, larch/white pine, lodgepole pine, fir-spruce, aspen (hardwoods), chaparral, and pinyon-juniper forest types. Foraging habitats are varied, including riparian woodlands, coniferous and deciduous forests, shrublands, and prairies. Three riparian areas (Canadian River, Carrizo Creek, and Mora River riparian areas) provide winter foraging habitat for the American peregrine falcon. These three riparian areas consist of about 89 acres and extend a total of 3 linear miles. Migratory falcons may fly over many of the other riparian areas and temporarily use these areas for foraging.

The main threat to peregrine falcons has been attributed to pesticide use, particularly DDT (dichlorodiphenyl-trichloroethane). Continuing threats include pesticide poisoning in wintering grounds, low breeding densities and reproductive isolation, lack of gene flow between populations, reduced availability of foraging habitat and avian prey, and disturbance of nesting pairs.

***Effects Determination:*** Because implementation of the proposed action would improve riparian habitat for wildlife, including birds, by increasing vegetation species diversity, structural diversity, and density, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the American and Arctic peregrine falcon. Habitat improvement would be expected to result in a potential beneficial impact on this species by increasing the availability of prey species, which include ducks, shorebirds, and songbirds. Many of these prey species utilize riparian habitat for nesting, foraging, or shelter. The cumulative impact associated with the *"May Affect – Not Likely to Adversely Affect"* determination would be an increase in the quality of habitat to support the avian prey base for the peregrine falcon.

### B.3.15 Baird's Sparrow (*Ammodramus bairdii*)

***Distribution and Ecology:*** Baird's sparrow is a neotropical migrant. It is a rare migrant in New Mexico and occurs primarily in the eastern plains and southern lowlands; however, it may winter in some locales (e.g., Roswell area). Recent occurrences have been recorded mainly in the Animas Valley (Hidalgo County), a key habitat area. It may also be more or less regular in the Dry Cimarron Valley (Union County) and near Nutt (Luna County). It has been known to occur in Colfax, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties in the Taos Field Office area and is generally considered transient in northern New Mexico.

It is a grassland species that breeds in the northern Great Plains. In New Mexico, it has been found in a variety of habitats, ranging from desert grasslands in the south, to prairies in the northeast, and to mountain meadows in the San Juan and Sangre de Cristo Mountains. Food consists of seeds (especially grasses) and insects.

The decline of the Baird's sparrow population is most likely related to the effects of drought, agriculture, and grazing on the shrubby shortgrass habitats. The loss of cover and seed crops probably has the most deleterious effects on migratory and winter habitats. In 1994, only three individual birds at two sites were reported in New Mexico. Management practices to improve the status of Baird's sparrow would include range improvements that would leave more cover and allow for greater production of grass seeds.

***Effects Determination:*** Because no habitat that supports the Baird's sparrow is associated with the specified riparian areas addressed within this FEIS, the BLM has determined that implementation of Adaptive Management would result in *"No Effect"* on this species. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.16 Black Tern (*Chlidonias niger*)

***Distribution and Ecology:*** The black tern migrates statewide and is considered rare to locally fairly common. This species occurs in Colfax, Rio Arriba, and San Miguel Counties in the Taos Field Office area. The tern is most frequent in summer in the San Juan Valley, Jicarilla Apache Indian Reservation, middle Rio Grande Valley, and Bitter Lake National Wildlife Refuge. Habitats utilized include desert riparian deciduous woodlands, especially those with cottonwoods. Black terns breed in prairie wetlands, taiga bogs, and marshes in the northern United States and southern Canada. Foods include fish and invertebrates.

Limiting factors affecting this bird species include fluctuating water levels that eliminate nesting. Management practices that are adverse to the black tern include draining wetlands. Beneficial management practices include restricting habitat disturbance, improving wetlands, and establishing artificial islands or rafts in water.

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the black tern.

## B.3.17 Ferruginous Hawk (*Buteo regalis*)

*Distribution and Ecology:* The ferruginous hawk occurs as a localized resident almost statewide, but is considered to be rare or uncommon as a state resident. It also migrates and winters statewide and is considered rare to fairly common in this capacity. This hawk occurs in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. These hawks breed in open country (usually prairies, plains, and badlands) and nest in trees and bushes, ledges, large rocks, riverbanks, and hillsides. They depend on native grasslands where nest sites are scarce. Thus, they reuse nest sites and add to nests annually; nests are sometimes more than 9 feet tall. The ferruginous hawk is often associated with prairie dog towns. Its territory covers about 10 square miles. The hawks feed mostly on rodents and rabbits but also consume reptiles and large insects.

Nest sites are considered vulnerable to human disturbance, and many hawks are shot while perched along roads. However, a larger threat is conversion of grasslands to monotypic rowcrops. Prairie dog control programs are also a threat to the hawk. Activities considered adverse to the ferruginous hawk include road construction, mining, and vegetation removal by chaining. Beneficial management practices include restricting disturbance, leaving large trees, and controlled (versus uncontrolled) livestock grazing.

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the ferruginous hawk.

## B.3.18 Harlequin Duck (*Histrionicus histrionicus*)

*Distribution and Ecology:* This species is listed as accidental in New Mexico; records exist for only Rio Arriba and Taos Counties. The harlequin duck inhabits streams that contain emergent plants or a narrow band of deciduous trees and shrubs. Breeding pairs are generally associated with turbulent, high mountain streams in subalpine areas. The duck nests on the ground among boulders or in tree or cliff cavities near streams. It winters in rough surf along rocky seashores. Recent records are limited to individuals seen on front range lakes and reservoirs. The harlequin duck feeds on invertebrates and small fish.

*Effects Determination:* Implementation of the proposed action would provide a slight benefit to this species by increasing streamside emergent and woody vegetation, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the harlequin duck.

## B.3.19 Loggerhead Shrike (*Lanius ludovicianus*)

*Distribution and Ecology:* The species occurs in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties in the Taos Field Office area. Loggerhead shrikes are rare to fairly common statewide residents. They nest in sagebrush areas, desert scrub, pinyon-juniper woodlands, and woodland edges. Primary shrike habitat is composed of open country interspersed with improved pastures, grasslands, and hayfields. They are usually seen in relatively dry habitats dominated by shrubs and desert saltgrass. Bare ground is also a key component in some areas. Prey generally consists of large insects and small mammals. They also feed on lizards and will occasionally eat carrion. The loggerhead shrike defends a territory up to 2,000 feet in radius.

Declines in the loggerhead shrike population are attributed to contaminated prey, loss of nesting sites (e.g., hedgerows and thorn trees), and loss of pastureland feeding habitat. Loggerhead shrikes are unresponsive or show mixed responses to livestock grazing.

***Effects Determination:*** The BLM has determined that Adaptive Management would have *"No Effect"* on the habitat or prey of this species. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.20 Northern Goshawk (*Accipiter gentilis*)

***Distribution and Ecology:*** New Mexico is at the southern edge of the northern goshawk's general breeding distribution and has the smallest known breeding population among the 11 Western states. In the Taos Field Office area, northern goshawks occur in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. In 1996, there were at least 132 northern goshawk breeding territories in New Mexico. The bird occurs locally in mature, closed canopied, coniferous forests (e.g., ponderosa pine, mixed species, and spruce-fir) at lower elevations (2,800 to 5,500 feet) on mountains and high mesas. It will also use deciduous woodlands and shows a preference for openings with water nearby. Goshawks prefer to nest within 0.25 mile of water in forest blocks that are more than 200 acres. Nest sites are generally in areas with large trees and dense canopies and are typically on slopes with northerly exposures. The birds select large, older trees for nest sites. Their nesting home range is about 6,000 acres (with a nest area of about 30 acres, post-fledging family area of about 420 acres, and foraging area of about 5,400 acres). Some evidence exists that in the Southwest, northern goshawks winter on or near their nesting home range.

Northern goshawks are predators of forest birds and mammals. Snags, downed logs, woody debris, forest openings, large trees, herbaceous and shrubby understories, and a diversity of vegetation stages are important features that affect the presence and condition of prey populations.

Habitat loss is believed to be responsible for the decline in the species. The goshawks are threatened by human disturbance, poaching, pesticides, loss of suitable nest trees, and loss of nesting and foraging habitats due to timber harvesting and livestock grazing. Accumulated fuels and dense forest conditions resulting from fire suppression have increased the potential for loss of goshawk habitat through catastrophic wildfires and epidemic infestations of insects and diseases. Increased shading resulting from dense regeneration has also reduced herbaceous and shrubby understories that are important for prey species. Livestock and wildlife browsing and grazing have accentuated this loss. Also, timber harvesting, which began in the 1800s, has focused on large trees, resulting in few remaining mature and old forests and associated habitat attributes.

***Effects Determination:*** The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of the northern Goshawk. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.21 Western Burrowing Owl (*Athene cunicularia hypugea*)

*Distribution and Ecology:* Western burrowing owls summer and occasionally winter in New Mexico, although they normally winter south of the Mexican border. The owl occurs in Colfax, Mora, and San Miguel Counties. They often nest colonially in abandoned burrows of prairie dogs, ground squirrels, woodchucks, and other mammals. These owls breed in grasslands, prairies, or open areas near human habitation (e.g., golf courses and airports). The owls occur at lower (2,800 to 5,500 feet) and middle (5,000 to 7,500 feet) elevations. Their home range averages about 2 acres. Insects make up the highest percentage of food items, except in biomass, in which more mammals are consumed.

Limiting factors for the western burrowing owl include the presence of burrow-digging mammals, predation, starvation, diseases and parasites, and poisoning (indirect, related to efforts to control prairie dogs and ground squirrels). Features and factors that are adverse to the western burrowing owl include roads, hedgerows, snow/wind breaks with trees and shrubs, and increased vegetative diversity. Beneficial management practices are those that restrict habitat disturbances, establish artificial nest structures, create urban greenbelts, and ensure controlled (versus uncontrolled) livestock grazing.

*Effects Determination:* The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat or prey of the western burrowing owl. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.22 White-Faced Ibis (*Plegadis chihi*)

*Distribution and Ecology:* The white-faced ibis is a statewide migrant and is considered rare to uncommon and local during both migration and summers. This species occurs in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties in the Taos Field Office area. The birds are generally seen in association with shoreline and marsh habitats that border open water, usually at lower elevations (2,800 to 5,500 feet). Vegetation within these areas often consists of cattails and rushes, but other plant species (including occasional shrubs and trees) are frequently present. Nesting colonies are located in shrubs and low trees or in dense standing reeds and tules near or in large marshes. White-faced ibises usually nest in mixed colonies with snowy egrets, cattle egrets, and black-crowned night herons. They feed on crayfish, frogs, grasshoppers, other invertebrates, and plants (fruits, seeds, and cones).

Limiting factors for the white-faced ibis include a restricted number of breeding locations, exposure of breeding colonies to fluctuating water levels, risk of pesticide poisoning, and disappearance of wetland habitats. Human disturbance can cause the birds to abandon roosting areas.

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the white-faced ibis.

### B.3.23 Yellow-Billed Cuckoo (*Coccyzus americanus*)

*Distribution and Ecology:* The yellow-billed cuckoo is found in woodlands throughout the United States. It is a regular breeder in New Mexico and occurs in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties. The cuckoos migrate and are summer residents statewide and are considered rare to fairly common. They are associated with lowland deciduous woodlands, willow and alder thickets, second-growth woods, deserted farmlands, and orchards. Breeding occurs in the San Juan, Dry Cimarron, Rio Grande, Pecos, Mora, Canadian, San Francisco, and Gila River valleys. Nesting sites include riparian woodlands and similar habitats. The cuckoos feed primarily on insects.

The populations of yellow-billed cuckoos fluctuate in response to changes in caterpillar abundance. Loss and disturbance of riparian habitat in the West also account for the species decline. Other effects may be related to increased predation or disturbance of the winter range in South America. Management practices that adversely affect the cuckoo include clearcutting, agriculture, livestock grazing, and pesticide use. Maintaining small forest openings and establishing urban greenbelts and woodlots are beneficial to the species.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the yellow-billed cuckoo.

### B.3.24 Texas Horned Lizard (*Phrynosoma cornutum*)

***Distribution and Ecology:*** The Texas horned lizard inhabits flat, open, generally dry country with little plant cover except for bunchgrass and cactus. In New Mexico, it occurs at elevations at about 2,800 and 6,800 feet in Colfax, Mora, San Miguel, and Santa Fe Counties in the Taos Field Office area, but not in riparian areas. It is strictly terrestrial and can bury itself in loose soil that is sandy, loamy, or rocky. It also seeks shelter under rocks. These lizards are often associated with prairie dog towns. Populations of the Texas horned lizard occur in both grazed and ungrazed areas. The preferred prey of the Texas horned lizard is ants.

***Effects Determination:*** The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of the Texas horned lizard. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities for this species would not change due to this action.

### B.3.25 Jemez Mountains Salamander (*Plethodon neomexicanus*)

***Distribution and Ecology:*** The Jemez Mountains salamander is endemic to north-central New Mexico (e.g., Jemez Mountains in Sandoval, Los Alamos, and Rio Arriba Counties). More than 90% of the populations are believed to occur on lands administered by the Santa Fe National Forest. This small woodland salamander is found in mixed conifer and spruce-fir forests above 7,200 feet in elevation. It usually occurs below the surface (e.g., under rocks and in fallen logs). Old stabilized talus slopes are important cover, especially those with a good cover of damp soil and plant debris. Its prey consists of insects and other small invertebrates.

Habitat alteration continues to be a threat to the species. Any activity that creates drier conditions can be detrimental (e.g., timber-cutting and other vegetation clearing, overgrazing, and forest fires).

***Effects Determination:*** The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of this species. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.26 Flathead Chub (*Platygobio (= Hybopsis) gracilis*)

***Distribution and Ecology:*** The flathead chub is native to the Rio Grande, Pecos, and Canadian drainages. The distribution of the species is expanding in the Rio Grande drainage and is stable in the other drainages. It occurs in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, and Taos Counties in the Taos Field Office area. Its habitat is turbid water in the main channels of large streams and tributaries and occurs in moderate to strong currents. The flathead chub seems to prefer permanent streams and avoids shallow water. It is omnivorous and feeds on invertebrates, algae, and some vascular plants.

Management practices and developments that adversely impact the species include impoundments, dredging, channelization, irrigation, and livestock grazing in riparian zones.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the flathead chub.

### B.3.27 Plains Minnow (*Hybognathus placitas*)

***Distribution and Ecology:*** The range of the plains minnow includes New Mexico, Colorado, and Oklahoma, although historically it extended to Montana, Illinois, and Kentucky. The native population in New Mexico occurs in the Canadian and Dry Cimarron River drainages along the main channels and a short distance up tributary streams. An introduced population occurs in the Pecos River drainage. The plains minnow occurs in five counties, including Colfax and San Miguel Counties in the Taos Field Office area. Habitat for this species includes clear to turbid water with sandy river substrates. It consumes microflora from rocks, snags and plant roots.

***Effects Determination:*** Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the plains minnow.

### B.3.28 Roundtail Chub (*Gila robusta*)

***Distribution and Ecology:*** In New Mexico, the roundtail chub has been extirpated in the San Francisco and Zuni Rivers and has been reduced elsewhere. Its abundance has continued to decline in the San Juan and Gila drainages. It occurs in the mainstem San Juan River from the Navajo Reservoir downstream to the Four Corners area, and in the Mancos, Navajo, and Animas Rivers (San Juan and Rio Arriba Counties in the Taos Field Office area). It occurs locally in the Gila Basin in the East and Middle Forks, the confluence area of the West and Middle Forks, Turkey Creek, and sporadically in the mainstem of the Gila River downstream to the Middle Box. Although it occurs in Rio Arriba County, it does not occur within any stream segments containing riparian areas managed by the Taos Field Office.

The roundtail chub preys on aquatic and terrestrial invertebrates, small fish, and sometimes filamentous algae. Threats to the roundtail chub include habitat loss (e.g., due to dams, channelization, and removal of riparian vegetation) and possibly predation by non-native fishes. Contaminant loading in the San Juan River may also be affecting the species.

*Effects Determination:* Because this species does not occur within stream segments containing riparian areas managed by the Taos Field Office, the BLM has determined that the proposed action would have *"No Effect"* on the roundtail chub. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for the species would not change due to this action.

### B.3.29 Cockerell's Striate Disc (Snail) (*Discus shimeki cockerelli*)

*Distribution and Ecology:* The Cockerell's striate disc is a terrestrial snail that occurs in New Mexico and Arizona, although the historic range extended to Oregon and Montana. In New Mexico, it occurs only in Taos County. Its occurrence is uncommon and is localized over most of its current range; it appears to be more common, however, in the Sangre de Cristo Mountains of northern New Mexico. It generally occurs at elevations between 7,000 and 12,000 feet in spruce-fir forest, and is found under logs, rocks, and fallen woody debris.

*Effects Determination:* The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of this species. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.30 New Mexico Silverspot Butterfly (*Speyeria nokomis nitocris*)

*Distribution and Ecology:* Habitat for the silverspot butterfly includes moist meadows, seeps, marshes, and streamsides. Hosts of the caterpillar are violet species. Adult food is flower nectar, including that from thistles. The species has been affected by draining of habitat and by development. Moderate grazing is compatible and may be necessary (Struttmann 1999). The butterfly occurs in Los Alamos, Mora, San Miguel, and Taos Counties in the Taos Field Office area.

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM has determined a *"May Affect – Not Likely to Adversely Affect"* situation for the New Mexico silverspot butterfly.

### B.3.31 Sangre de Cristo Peaclam (*Pisidium sanguinichristi*)

*Distribution and Ecology:* The Sangre de Cristo peaclam occurs only in New Mexico and only in Taos County. The only known population exists in Middle Fork Lake (elevation 10,900 feet) in Carson National Forest in the Sangre de Cristo Mountains. It occurs in the substrate among emergent grasses of sheltered embayments and the lake outlet.

*Effects Determination:* The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of the Sangre de Cristo peaclam. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.32 Arizona Willow (*Salix arizonica*)

*Distribution and Ecology:* The Arizona willow is a mat-forming or shrubby willow typically 2 to 4 feet high. It generally occurs in unshaded or partly shaded wet meadows, along streamsides, or in cienegas at elevations above 8,000 feet. In New Mexico, it has been found in the Carson National Forest and in San Pedros

Parks in the Santa Fe National Forest (University of New Mexico 1997b). It occurs in Rio Arriba and Taos Counties.

*Effects Determination:* Because implementation of the proposed action would provide a slight benefit to this species, the BLM determined a *"May Affect – Not Likely to Adversely Affect"* situation for the Arizona willow.

### B.3.33 Chiricahua Dock (*Rumex orthoneurus*)

***Distribution and Ecology:*** Chiricahua dock is a large, herbaceous, perennial plant. It is a riparian species that occurs near or adjacent to perennial springs or streams in shaded canyons from 6,500 to 9,000 feet in elevation (UNM 1997b). Chiricahua dock occurs in subalpine grassland and montane conifer forest communities. The plant is rare throughout its range, which includes adjacent Arizona, and is confined to several populations. Within the Taos Field Office area, it occurs in San Miguel, Santa Fe, and Taos Counties.

***Effects Determination:*** Potential habitat for the Chiricahua dock may occur within a number of riparian areas managed by the Taos Field Office. Improved riparian functions would generally benefit native riparian plant species under the proposed action. Riparian habitat conditions would likely improve, and the species diversity in vegetative communities would likely increase, which would be expected to benefit the Chiricahua dock. The cumulative impact associated with the *"May Affect – Not Likely to Adversely Affect"* determination would be an increase in the quality of habitat to support the Chiricahua dock.

### B.3.34 Dwarf Milkweed (*Asclepias uncialis* var. *uncialis*)

***Distribution and Ecology:*** The dwarf milkweed is a herbaceous perennial plant that flowers from April to May. It occurs in short-grass prairie and also coniferous (pinyon-juniper) woodland, generally below 7,500 feet, and is often found on the lower side slopes of mesa escarpments and canyon walls (UNM 1997c). Although it is a fairly widespread species, it occurs in very low numbers. Its range includes Arizona, Colorado, New Mexico, Oklahoma, and Wyoming. In New Mexico, it occurs in four counties, including Colfax and San Miguel Counties in the Taos Field Office area.

***Effects Determination:*** The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of the dwarf milkweed. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.35 Ripley's Milkvetch (*Astragalus ripleyi*)

***Distribution and Ecology:*** Ripley's milkvetch grows on volcanic substrates in open ponderosa pine-Arizona fescue savannahs or on the edges of closed canopy ponderosa pine, mixed conifer, or pinyon-juniper woodlands with an Arizona fescue understory (UNM 1997c). The plant also occurs in pinyon-juniper-oak and big sagebrush associations. These associations may be occasionally impacted by brush control projects. Ripley's milkvetch is also a palatable species that is grazed by livestock and wildlife. Its range extends from Conejos County, Colorado, to Taos and Rio Arriba Counties within the Taos Field Office area in New Mexico.

***Effects Determination:*** The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of Ripley's milkvetch. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

### B.3.36 Santa Fe Cholla (*Opuntia viridiflora*)

***Distribution and Ecology:*** Santa Fe cholla occurs on south- and west-facing slopes in pinyon-juniper woodlands at an elevation of about 7,200 feet. It is best known from the vicinity of Fort Marcy Park within the city limits of Santa Fe (UNM 1997c). The Santa Fe cholla is endangered by habitat destruction from urbanization within the City of Santa Fe.

***Effects Determination:*** The BLM has determined that implementation of the proposed action would have *"No Effect"* on the habitat of the Santa Fe Cholla. Therefore, the cumulative impacts presently existing (e.g., federal, private, and state activities) for this species would not change due to this action.

## B.4 REFERENCES FOR APPENDIX B

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USFWS: See U.S. Fish and Wildlife Service.

# APPENDIX C:

# ENDANGERED SPECIES ACT CONSULTATION

# APPENDIX C:

# ENDANGERED SPECIES ACT CONSULTATION

As required under Section 7 of the Threatened and Endangered Species Act, a draft Biological Evaluation was included in the *Draft Environmental Impact Statement for Riparian and Aquatic Habitat Management in the Taos Field Office – New Mexico* (DEIS). On the basis of the draft Biological Evaluation, informal consultations were initiated with the U.S. Fish and Wildlife Service (USFWS). The informal consultations produced a number of comments and suggested changes that were incorporated into the final Biological Evaluation presented in the Final EIS (FEIS). Formal consultations were initiated on May 1, 2000, when the final Biological Evaluation was presented to the USFWS. The USFWS delivered a formal Biological Opinion to the Taos Field Office on June 2, 2000.

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